

# ANNUAL LITIGATION REPORT



FISCAL YEAR 2012-2013



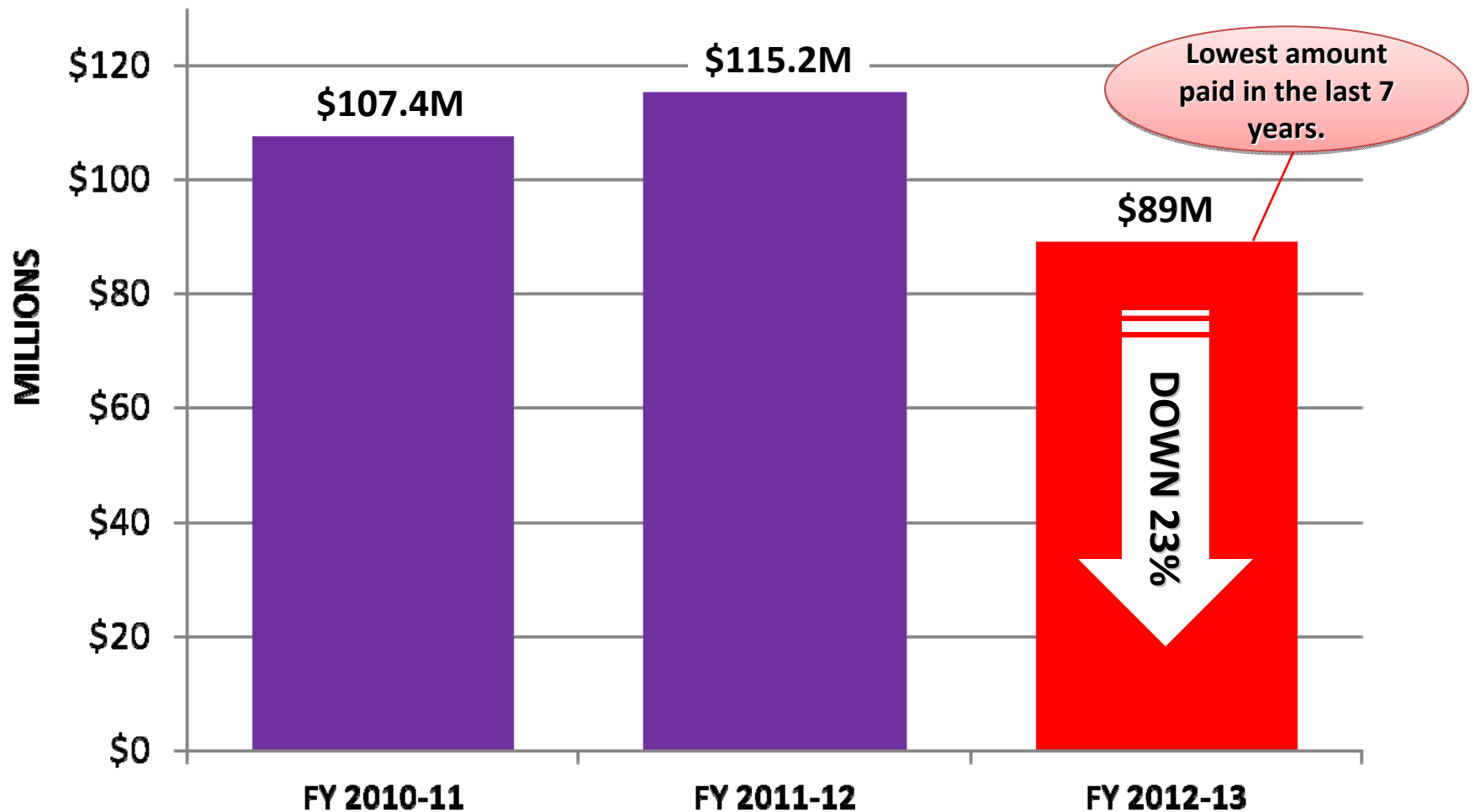
Steven H. Estabrook  
Litigation Cost Manager  
Office of the County Counsel

January 14, 2014

# ANNUAL LITIGATION REPORT

FISCAL YEAR 2012-2013

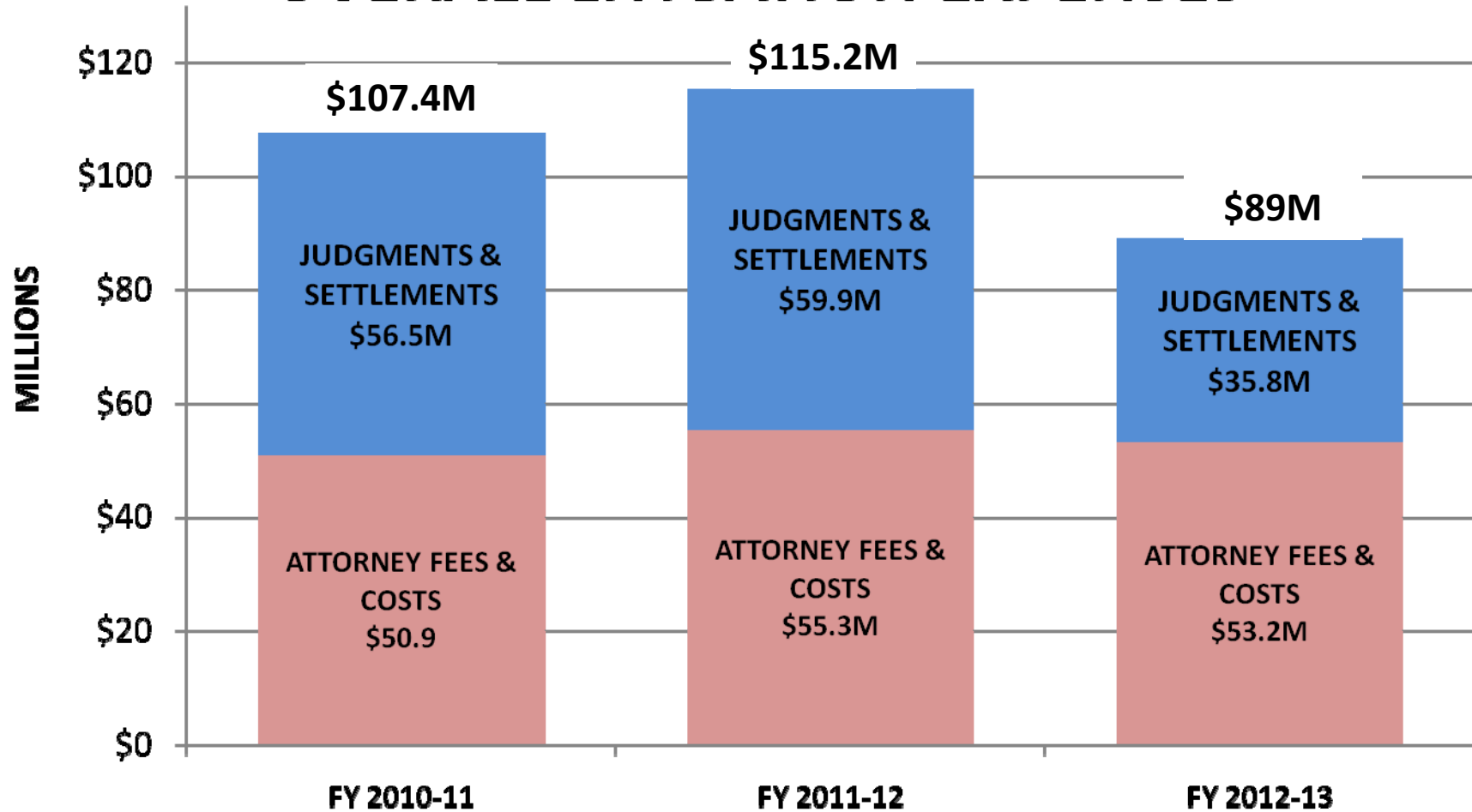
## OVERALL LITIGATION EXPENSES



# ANNUAL LITIGATION REPORT

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## OVERALL LITIGATION EXPENSES

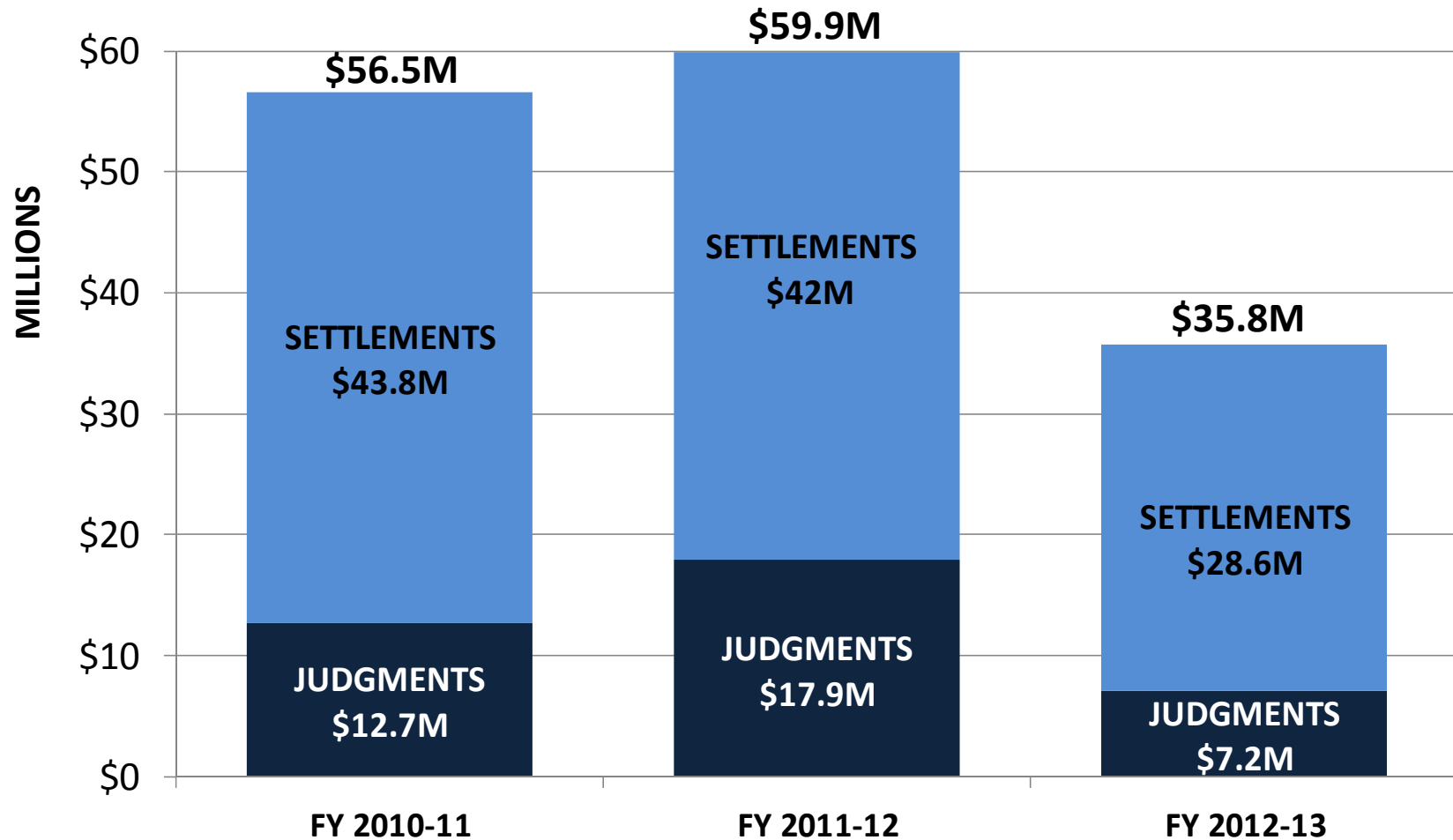


CORRECTED: January 24, 2014

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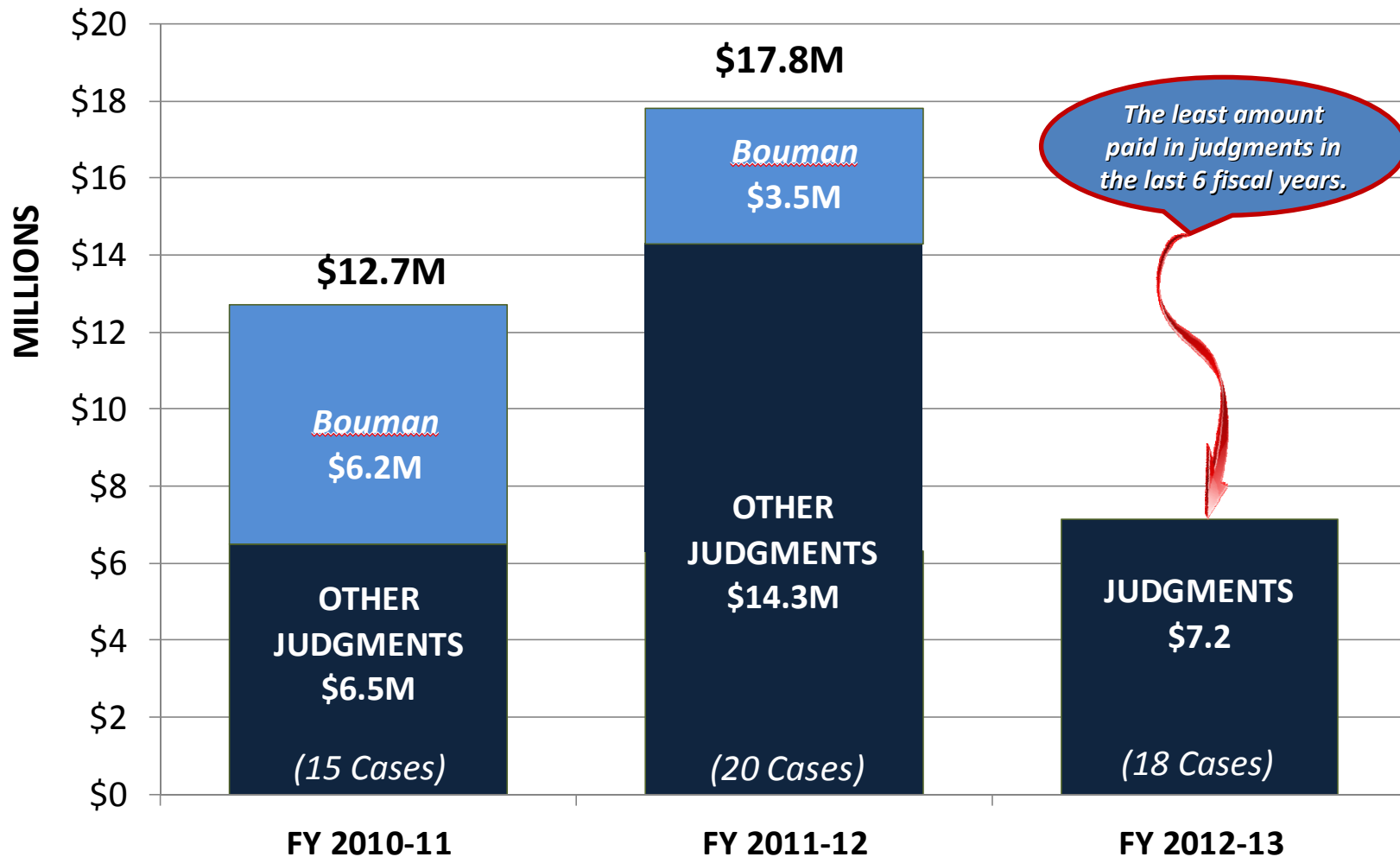
## JUDGMENTS & SETTLEMENTS



# ANNUAL LITIGATION REPORT

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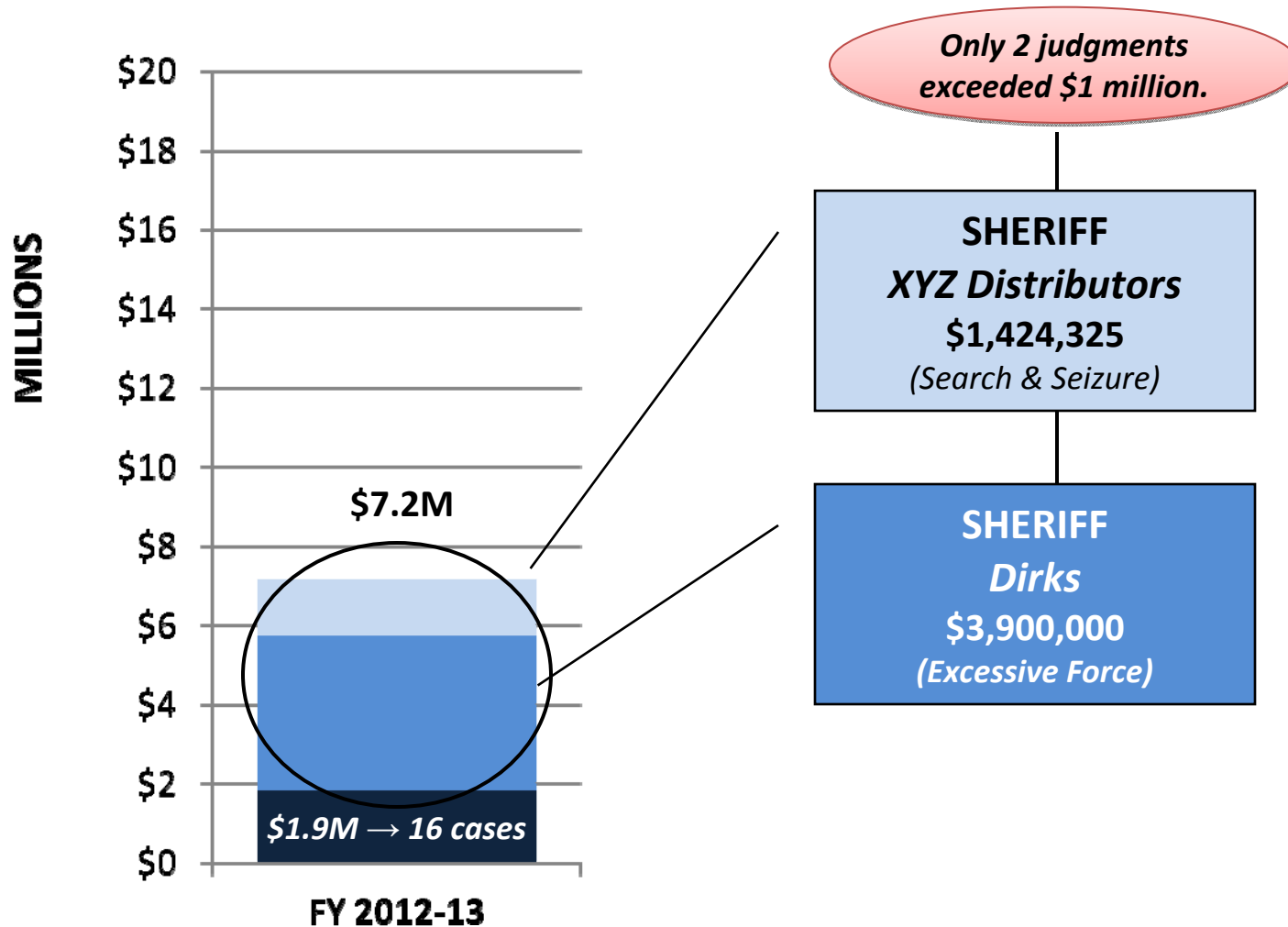
## JUDGMENTS



# ANNUAL LITIGATION REPORT

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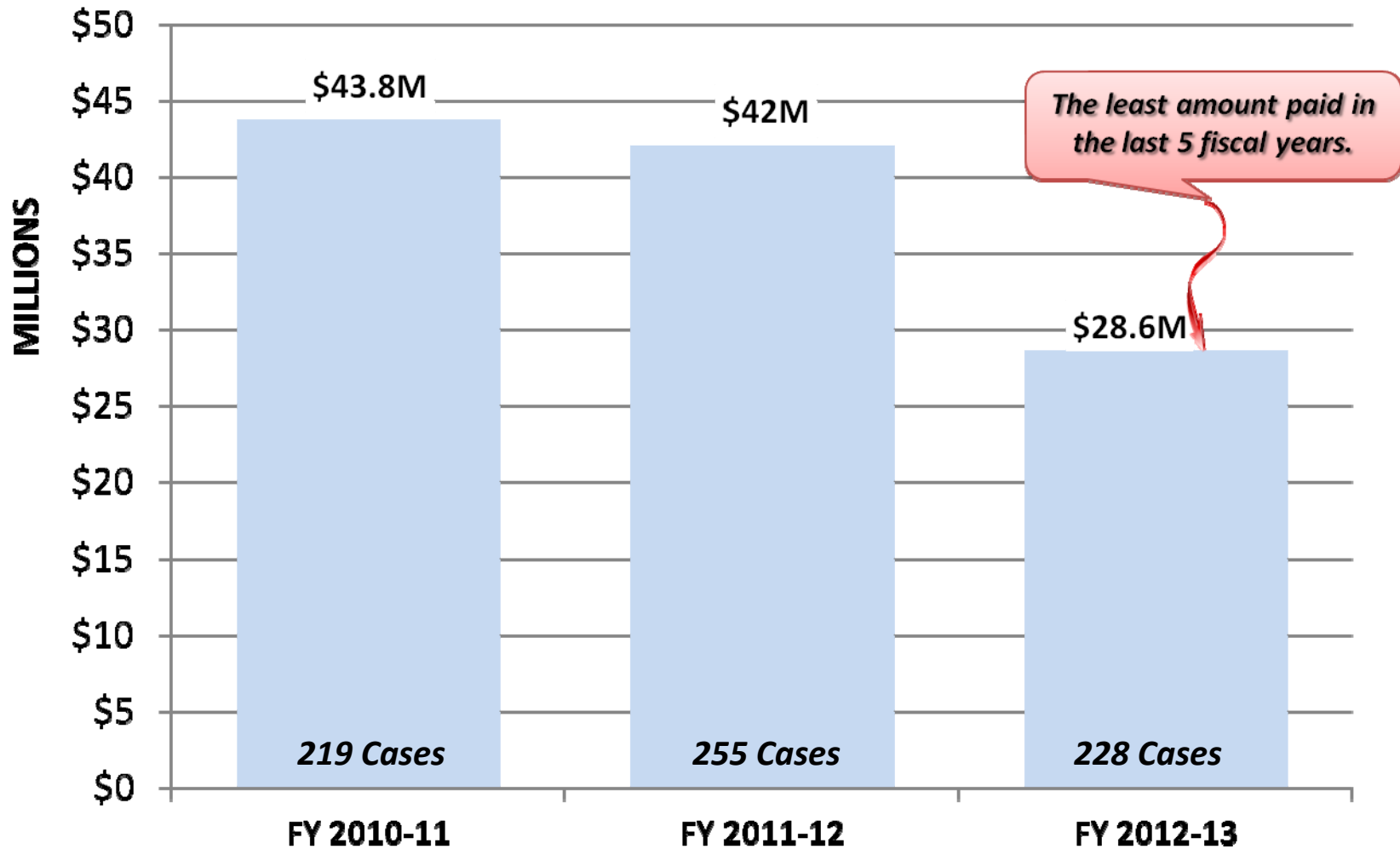
## JUDGMENTS



# ANNUAL LITIGATION REPORT

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## SETTLEMENTS



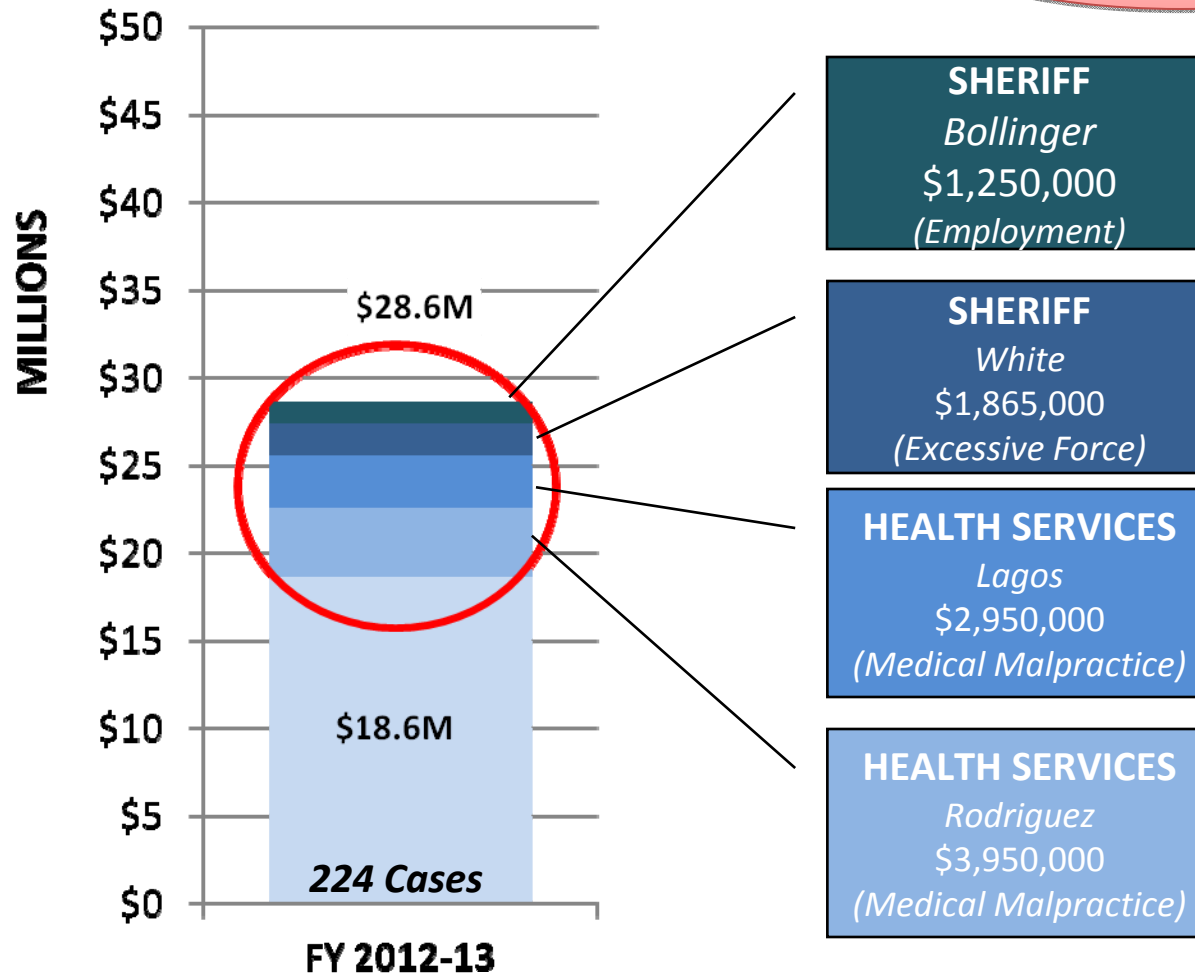


# ANNUAL LITIGATION REPORT

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## SETTLEMENTS

Only 4 settlements  
exceeded \$1 million.

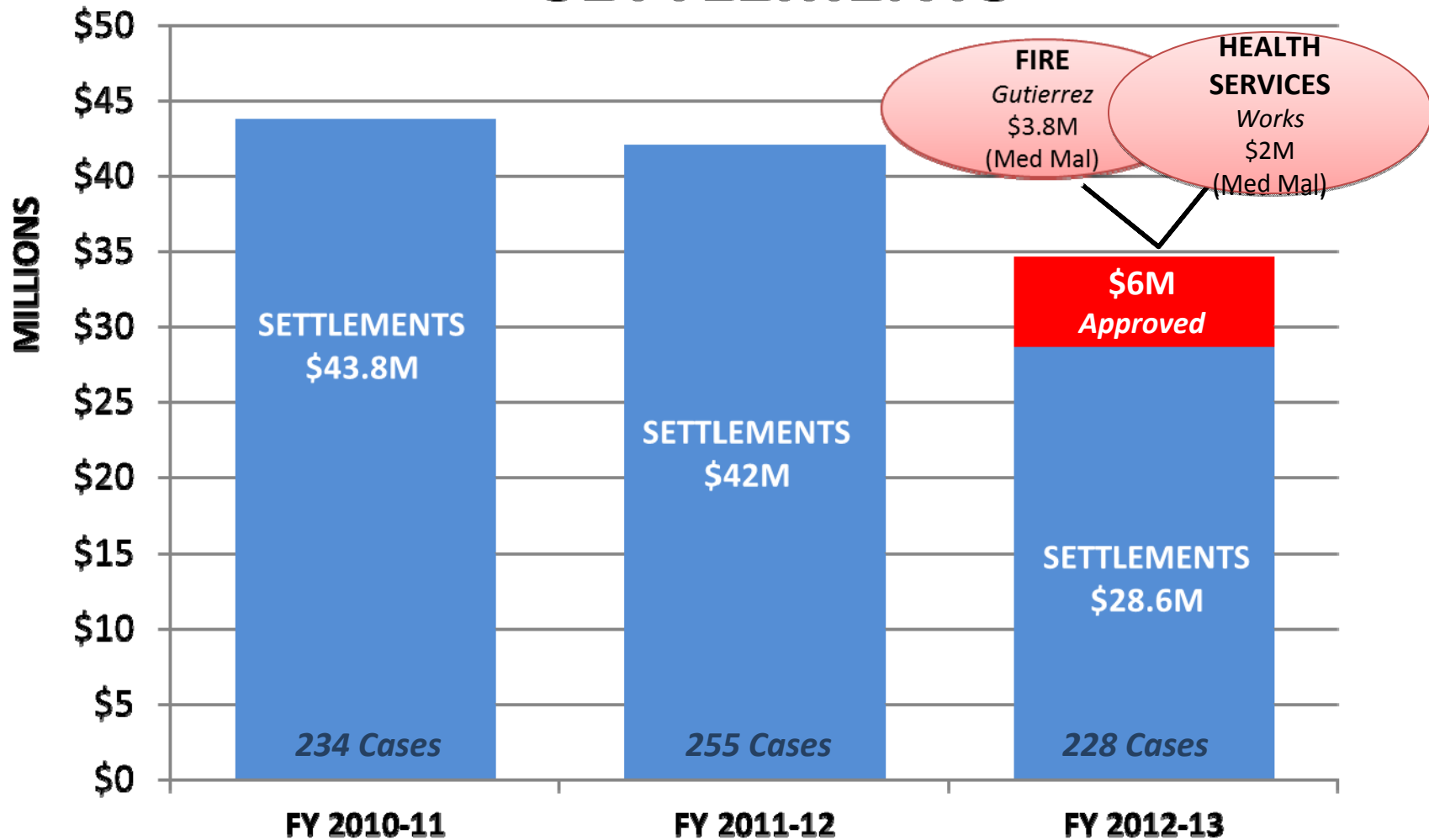




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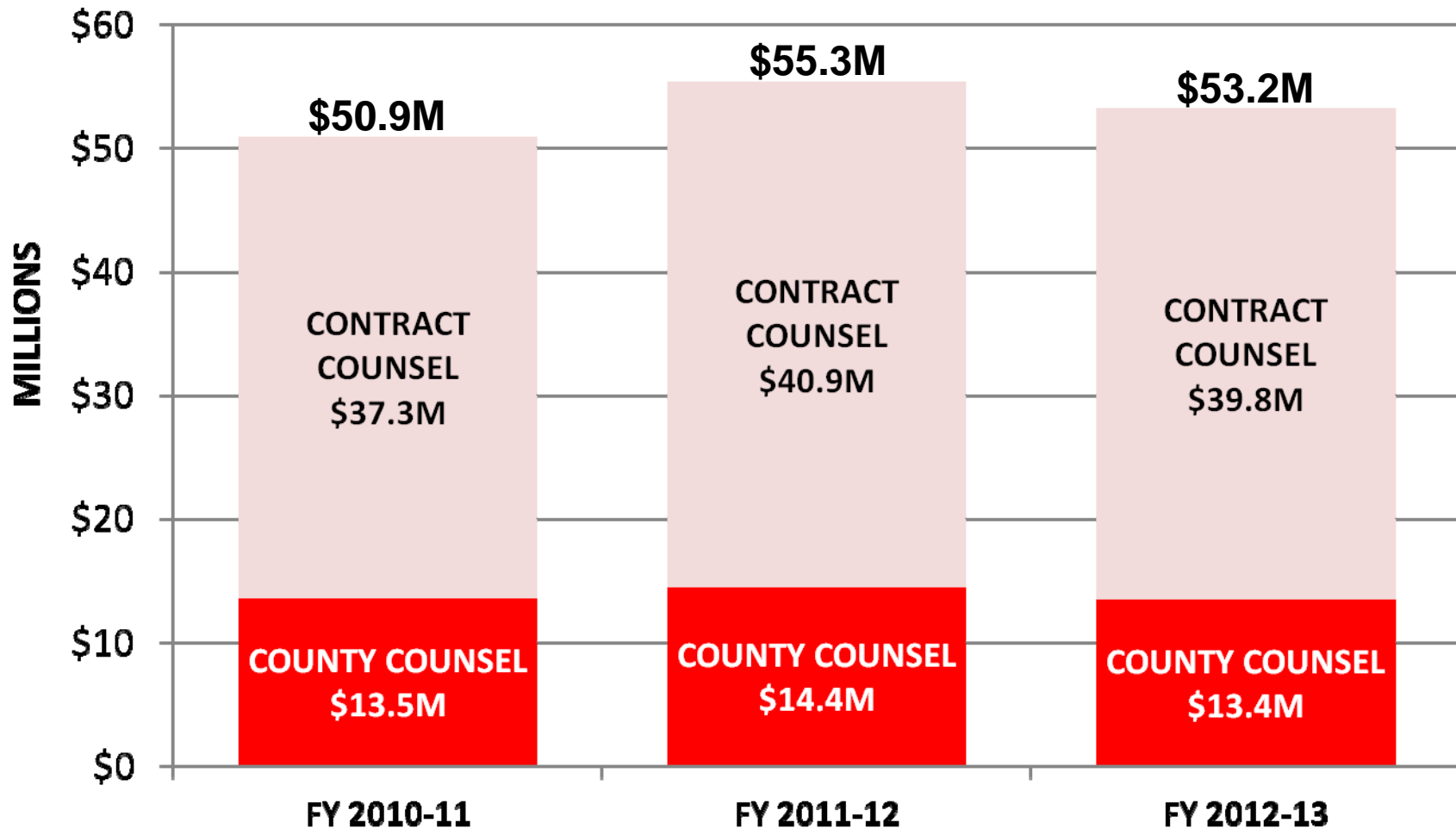
## SETTLEMENTS



# ANNUAL LITIGATION REPORT

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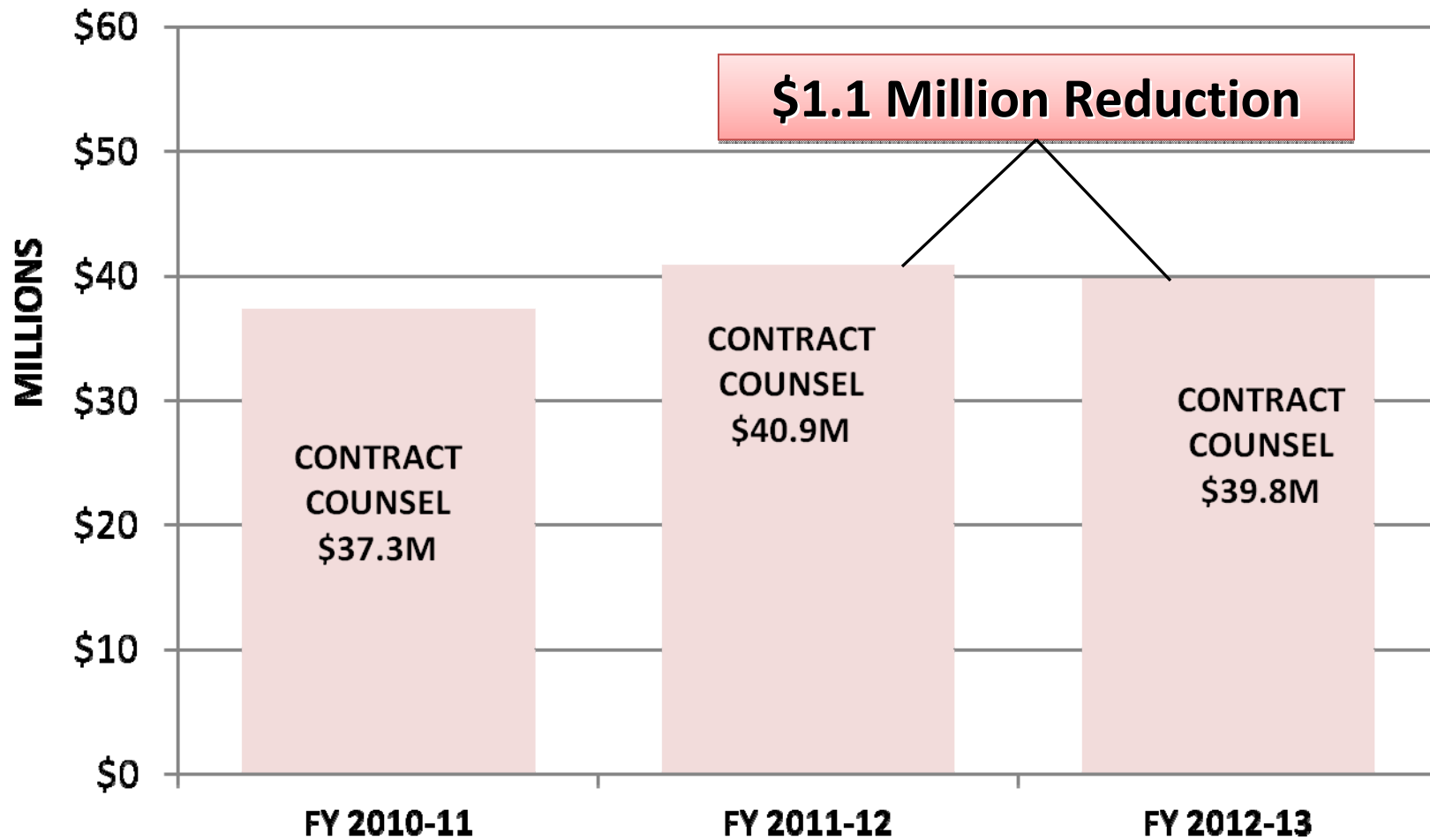
## ATTORNEY FEES & COSTS



# ANNUAL LITIGATION REPORT

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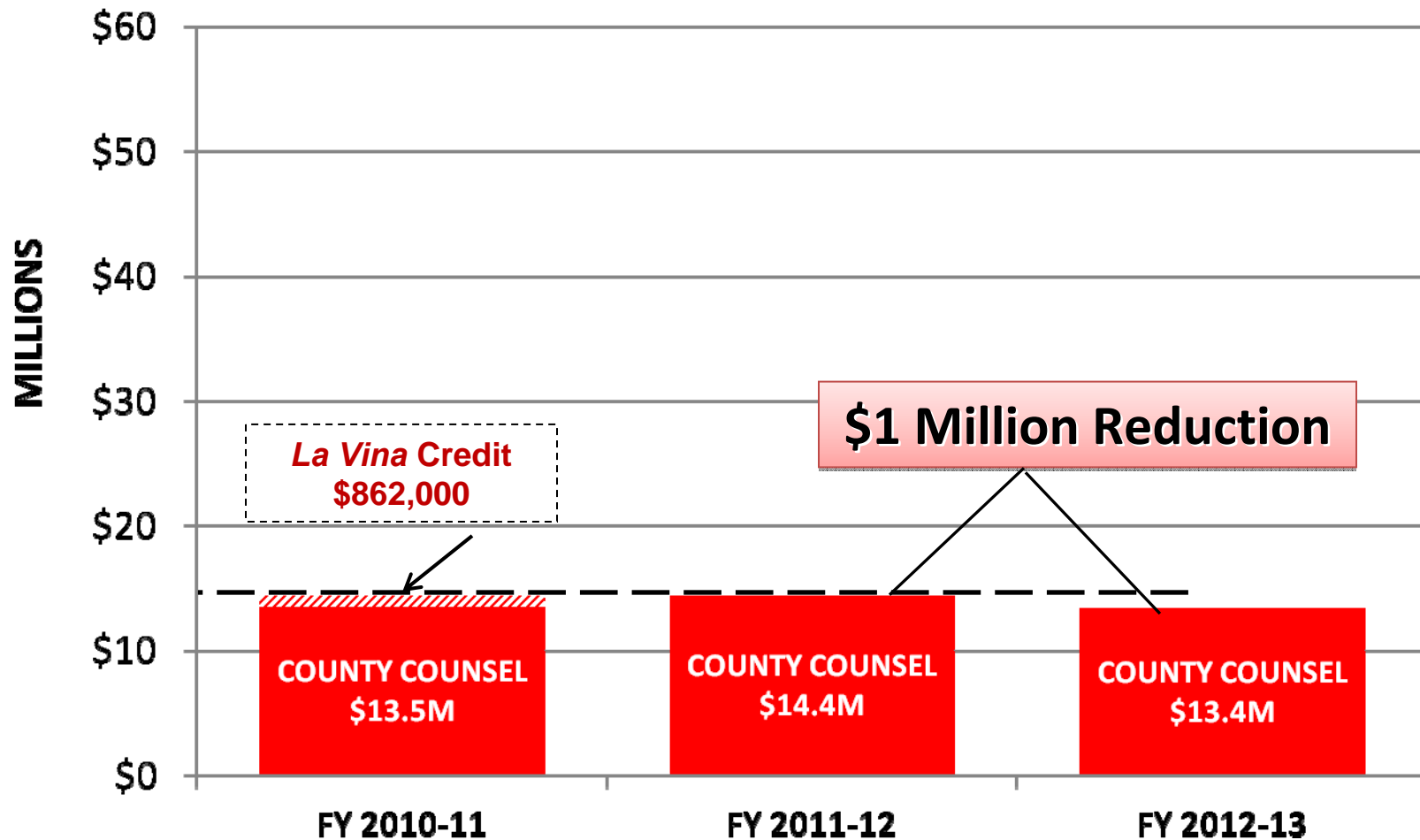
## ATTORNEY FEES & COSTS



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## ATTORNEY FEES & COSTS

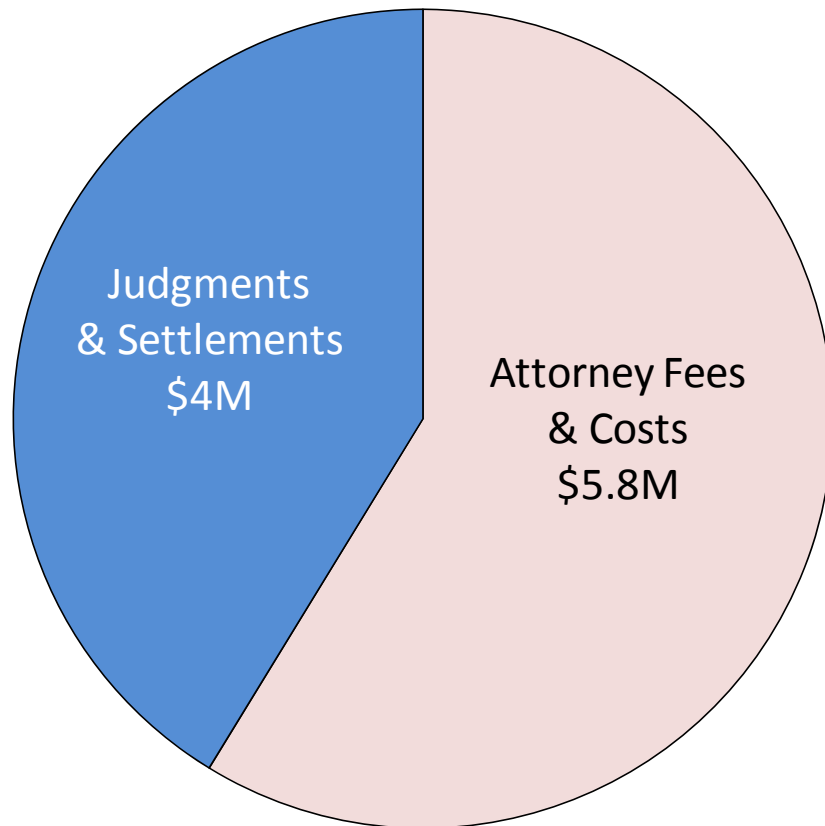


# ANNUAL LITIGATION REPORT



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## CONTRACT CITIES AND SPECIAL DISTRICT PAYMENTS \$9.8 M



OVERALL LITIGATION EXPENSES	\$89M
Contract Cities	(\$7.5M)
Water District	(\$1.9M)
Flood Control District	(\$441,669)
GENERAL FUND EXPENDITURES	\$79.2M

## EXPENSES NOT PAID FROM COUNTY GENERAL FUND

Sheriff Department's  
Contract Cities  
\$7.3M

Public Works  
Department's  
Special Districts  
\$2.5M

# ANNUAL LITIGATION REPORT



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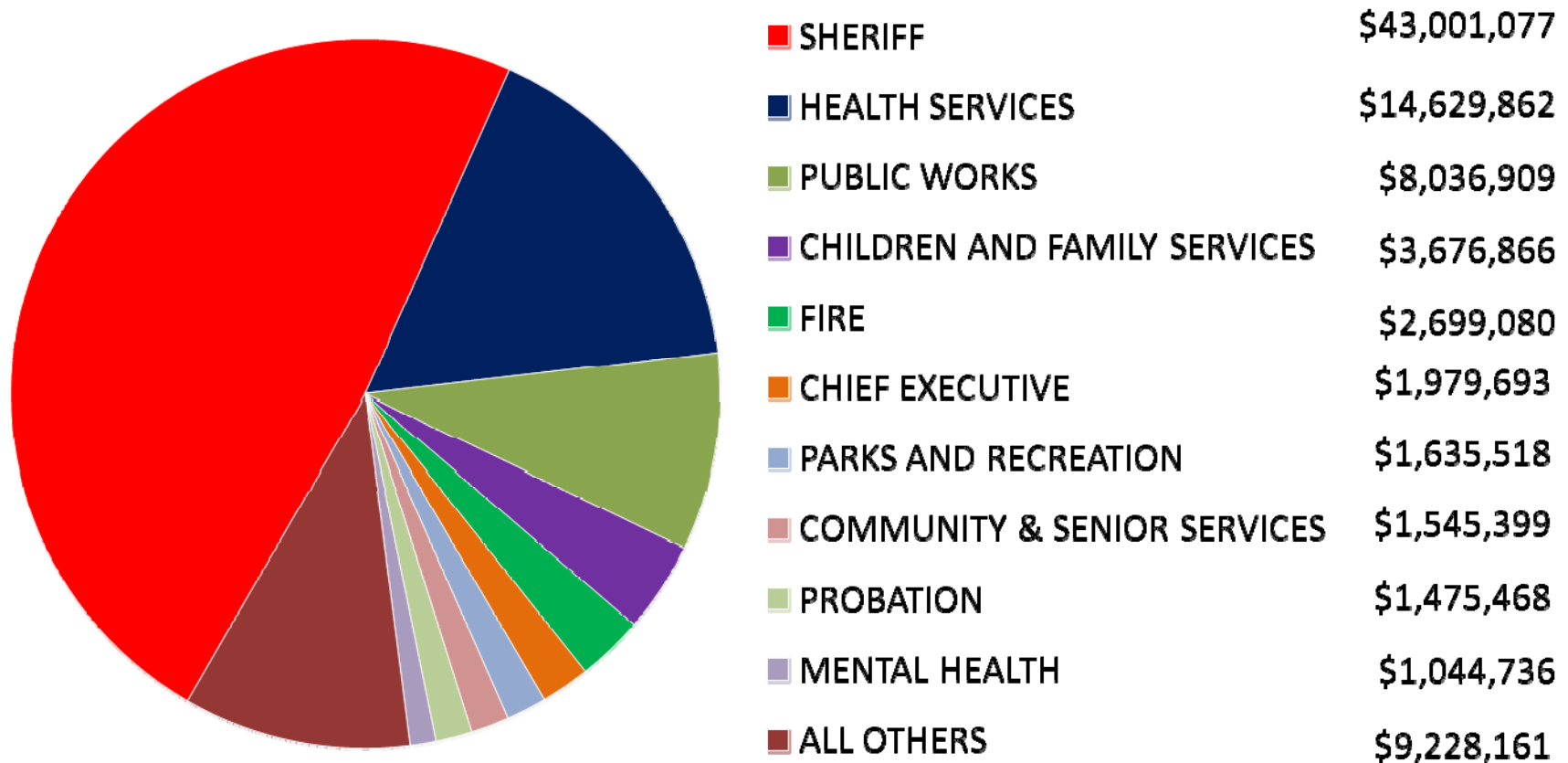
ANNUAL LITIGATION EXPENSES BY DEPARTMENT FOR FY 2011-12 AND FY 2012-13			ANNUAL LITIGATION EXPENSES BY DEPARTMENT CONT'D FOR FY 2011-12 AND FY 2012-13		
DEPARTMENTS	FY 2012-13	FY 2011-12	DEPARTMENTS	FY 2012-13	FY 2011-12
Sheriff	\$43,001,077	\$37,012,732	Treasurer & Tax Collector	\$269,218	\$201,387
Health Services	\$14,629,862	\$19,919,150	Assessor	\$261,635	\$172,006
Public Works	\$8,036,909	\$20,342,022	Animal Care & Control	\$194,904	\$780,752
Children and Family Services	\$3,676,866	\$6,488,491	Public Defender	\$188,040	\$328,132
Fire Department	\$2,699,080	\$2,725,326	Beaches & Harbors	\$161,322	\$542,972
Chief Executive Office	\$1,979,693	\$11,065,812	Child Support Services	\$143,188	\$388,355
Parks & Recreation	\$1,635,518	\$1,299,235	Coroner	\$67,991	\$89,480
Community & Senior Services	\$1,545,399	\$1,072,262	Office of Public Safety	\$63,964	\$675,551
Probation	\$1,475,468	\$2,594,012	Agricultural Commissioner / Weights & Measures	\$47,569	\$36,242
Mental Health	\$1,044,736	\$869,120	Affirmative Action	\$40,287	\$44,131
Public Health	\$1,030,304	\$1,008,478	Community Devel Comm / Housing Authority	\$33,557	\$49,119
District Attorney	\$964,493	\$1,592,138	Public Library	\$25,597	\$0
Public Social Services	\$777,024	\$648,005	Human Resources	\$4,159	\$14,158
Non-Jurisdictional	\$672,540	\$419,702	Natural History Museum	\$403	\$100,775
Internal Services	\$594,120	\$312,617	Alternate Public Defender	\$357	\$6,630
Board of Supervisors	\$484,129	\$1,112,014	County Counsel	\$109	\$10,693
Auditor - Controller	\$481,220	\$361,264	Unallocated Auto/General Liability	\$791,082	\$839,744
Regional Planning	\$283,773	\$670,913	Unallocated Employment	\$1,375,973	\$1,222,121
Registrar-Recorder / County Clerk	\$271,203	\$194,870	<b>Total</b>	<b>\$88,952,769</b>	<b>\$115,210,411</b>

ADDED 1/24/14

# ANNUAL LITIGATION REPORT

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10 departments were responsible for 90% of the County's litigation expenses

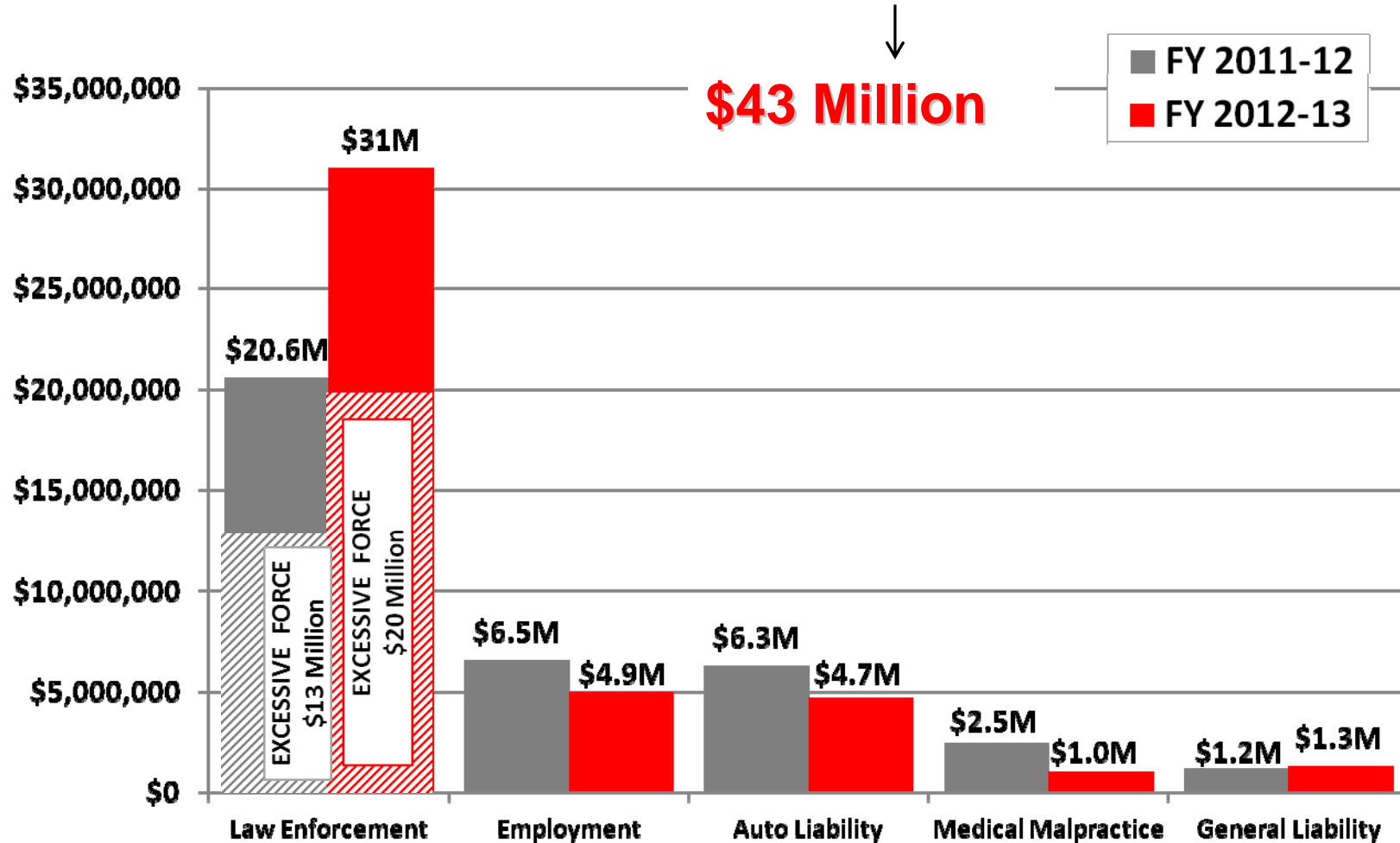




# ANNUAL LITIGATION REPORT

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## SHERIFF DEPARTMENT'S LITIGATION EXPENSES FY 2011-12 & FY 2012-13

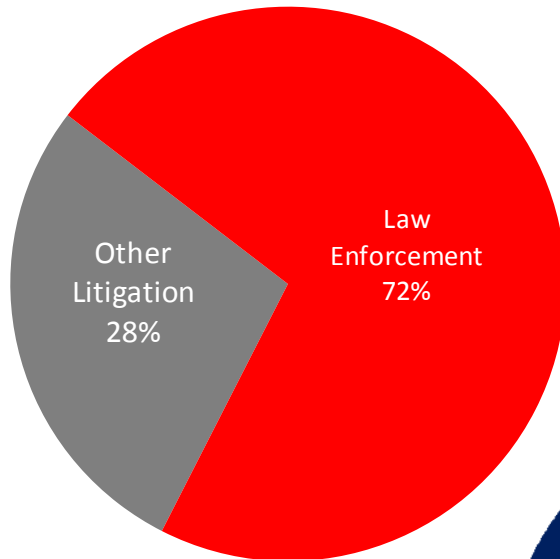


# ANNUAL LITIGATION REPORT

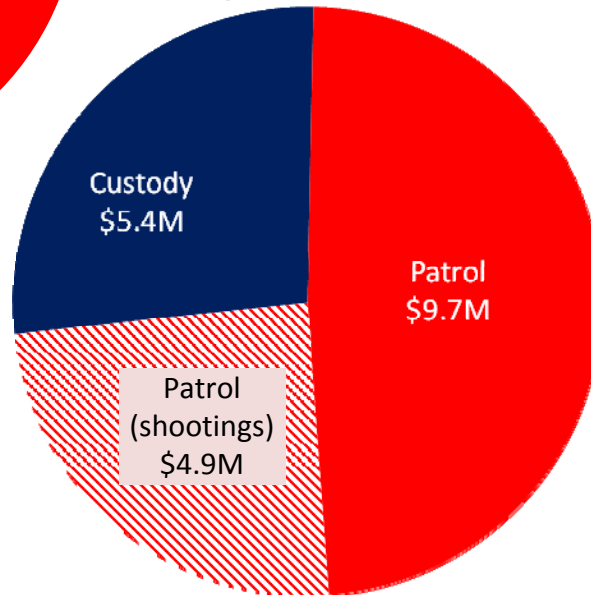
FISCAL YEAR 2012-2013

## FY 2012-13 Law Enforcement Expenses

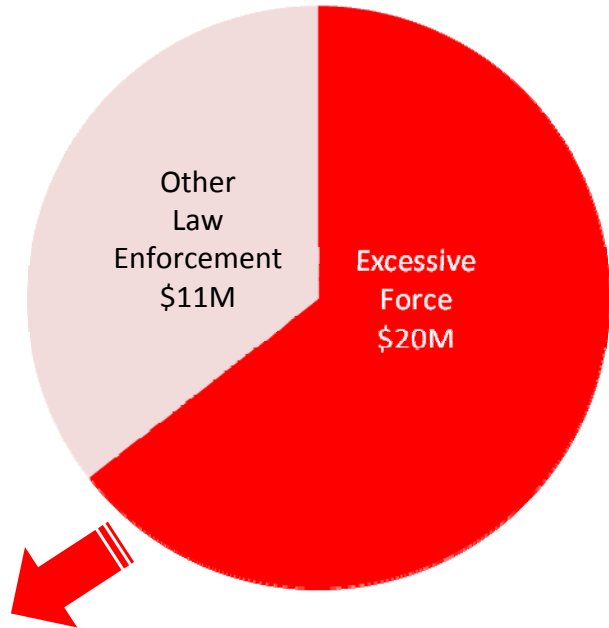
**Litigation Expenses by Type**  
**\$43 Million**



**Excessive Force Expenses**  
**\$20 Million**



**Law Enforcement Expenses**  
**\$31 Million**



# ANNUAL LITIGATION REPORT



FISCAL YEAR 2012-2013

## **AREAS OF CONCERN**

[Excessive Force Cases]

### **Million Dollar Verdicts on Appeal**

- *Montalvo* - \$8.8M

- *Thomas* - \$7.5M

- *William F.* - \$1.1M

### **Citizens' Commission on Jail Violence**

### **Indictment of 18 Sheriff's Custody Deputies**

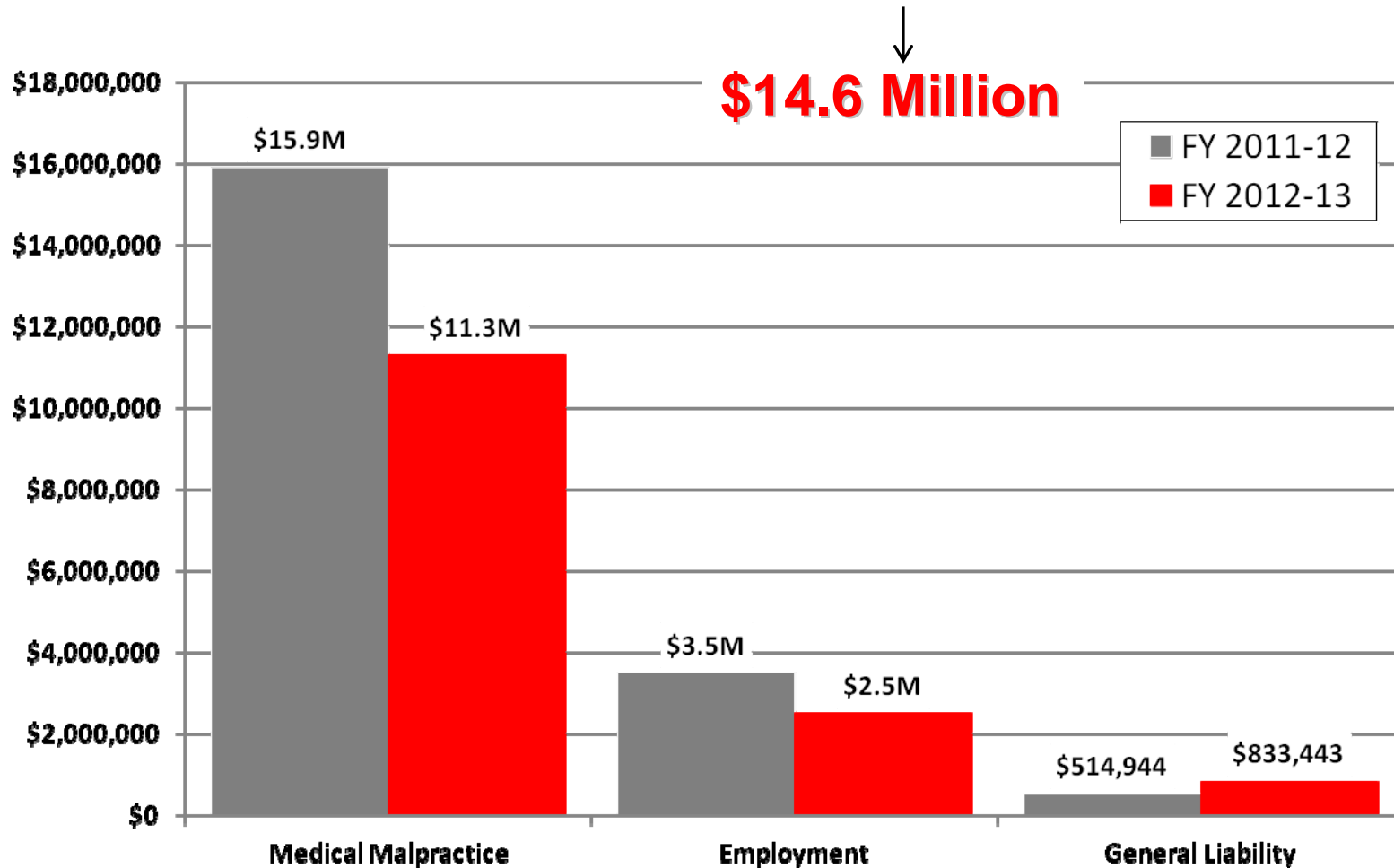
# ANNUAL LITIGATION REPORT



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## HEALTH SERVICES DEPARTMENT

FY 2011-12 & FY 2012-13

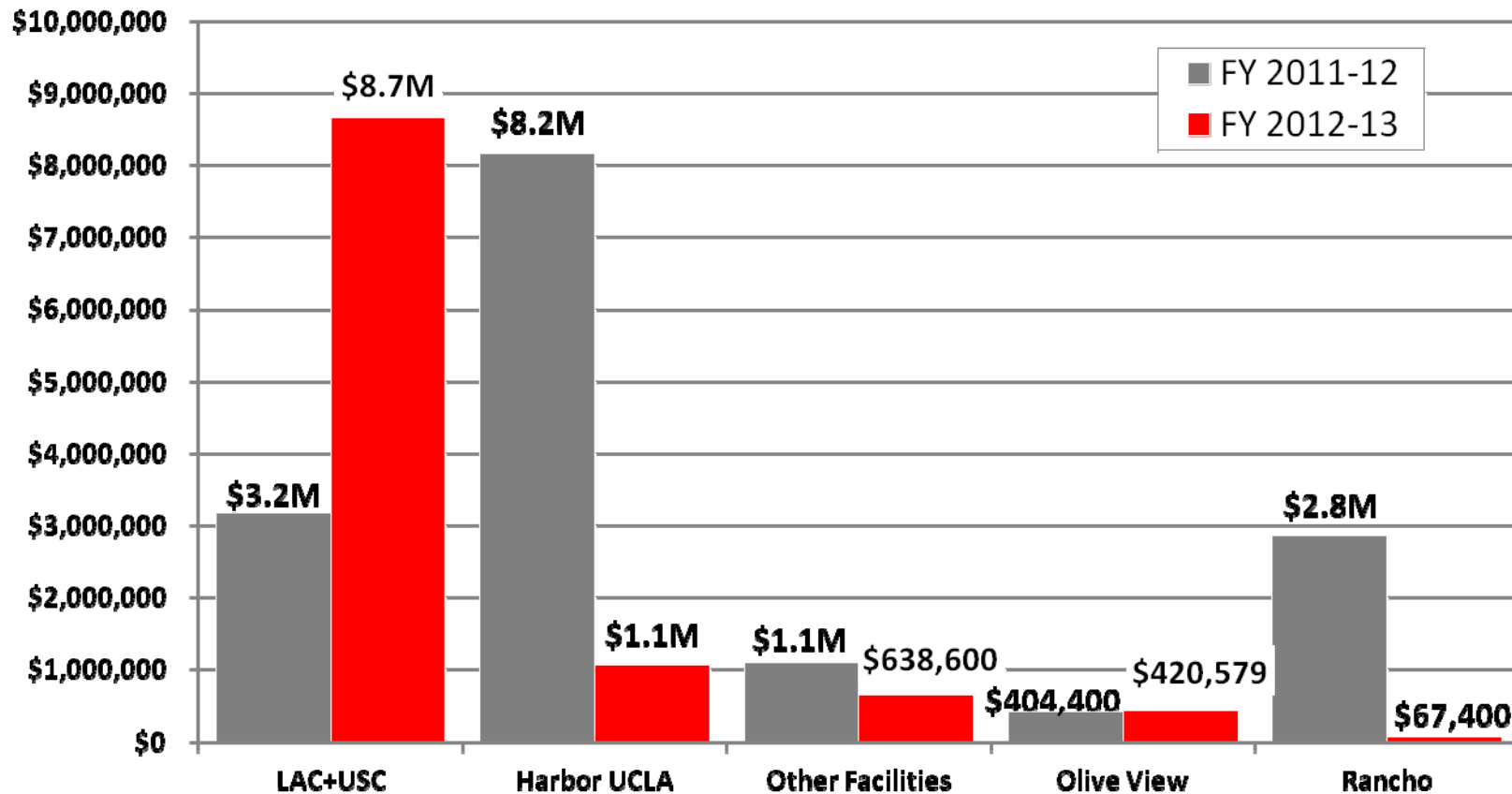


# ANNUAL LITIGATION REPORT

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## HEALTH SERVICES

### Medical Malpractice Expenditures by Facility FY 2011-12 & FY 2012-13

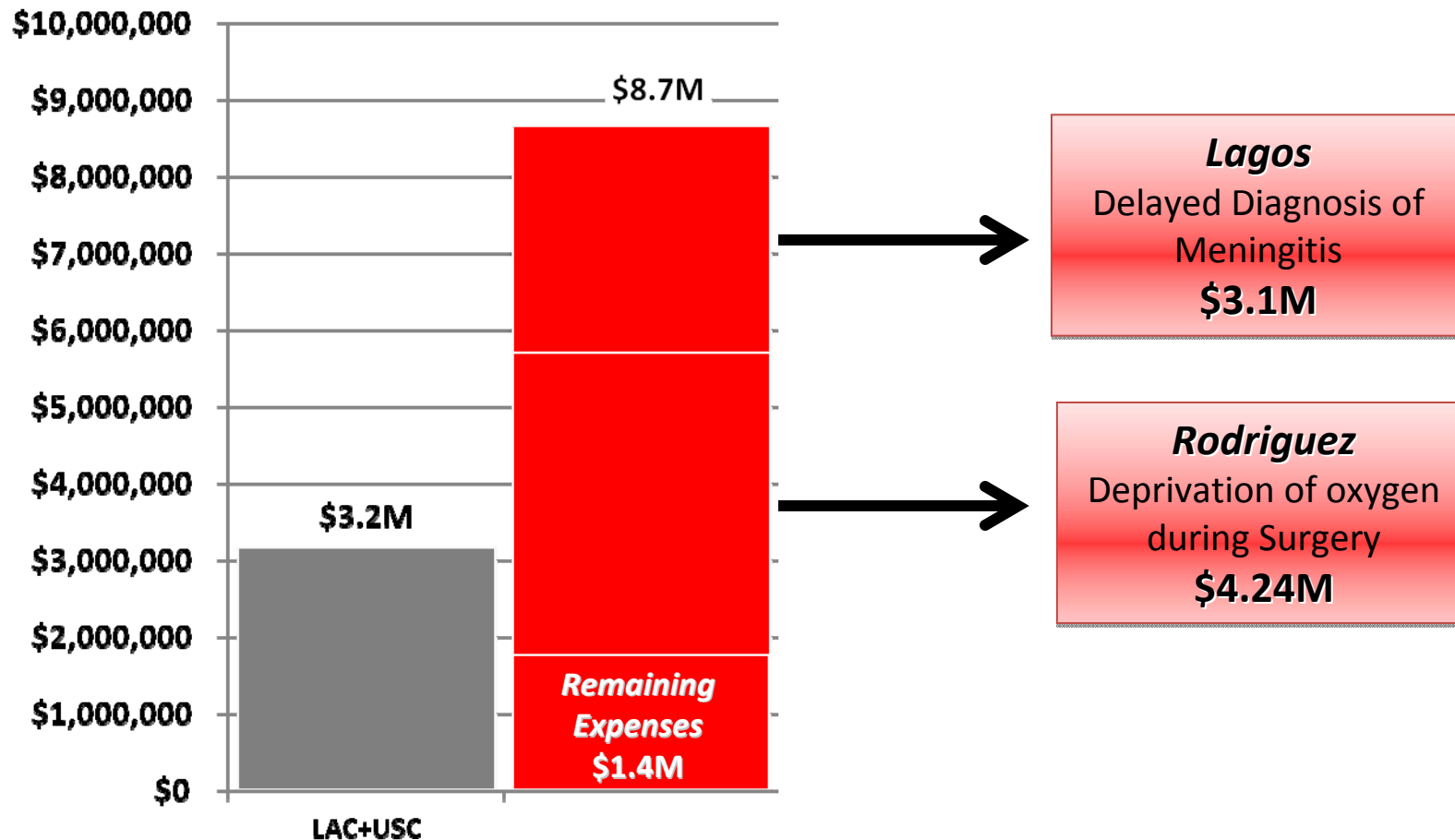


# ANNUAL LITIGATION REPORT

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## LAC + USC MEDICAL CENTER

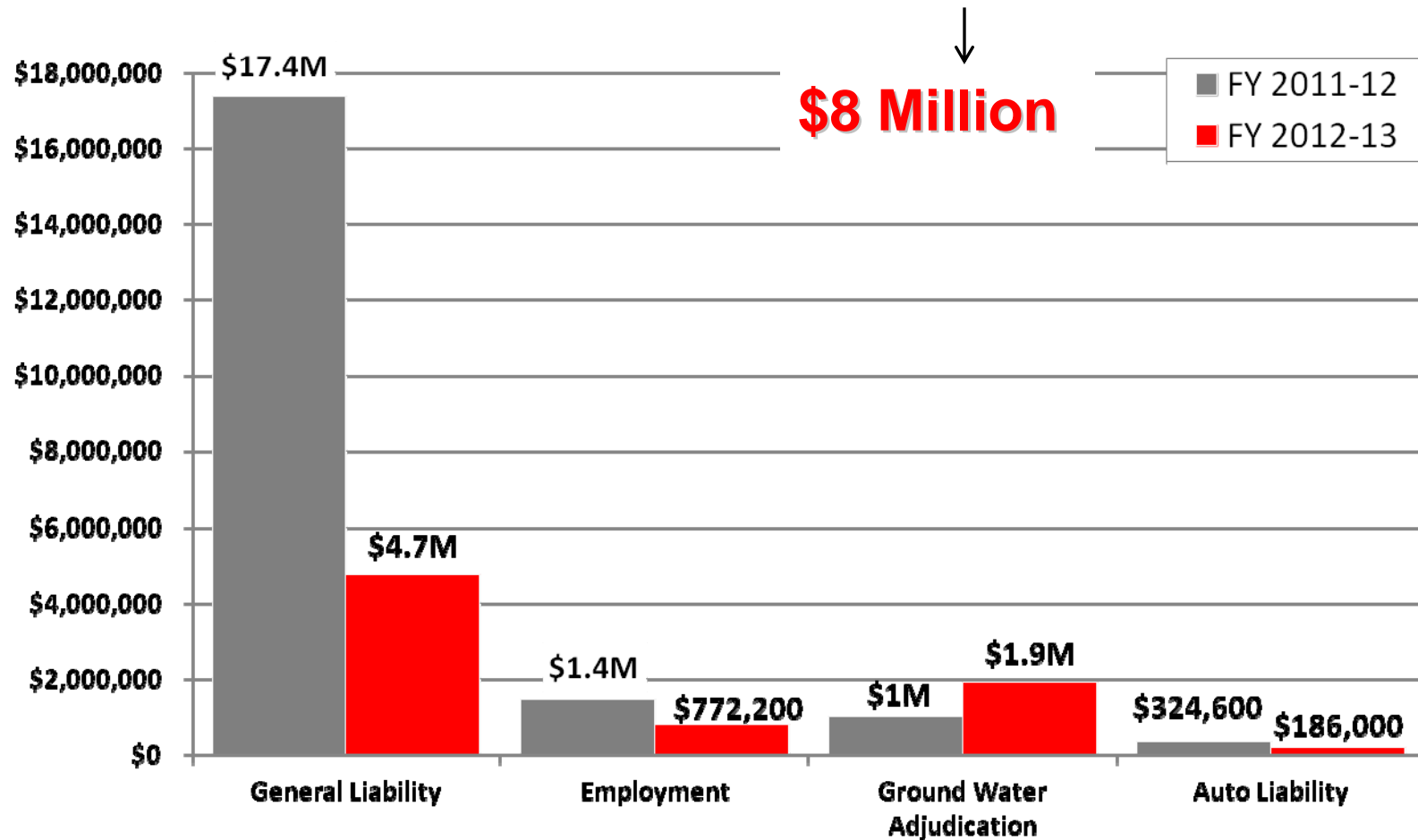
FY 2011-12 & FY 2012-13



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## PUBLIC WORKS DEPARTMENT FY 2011-12 & FY 2012-13

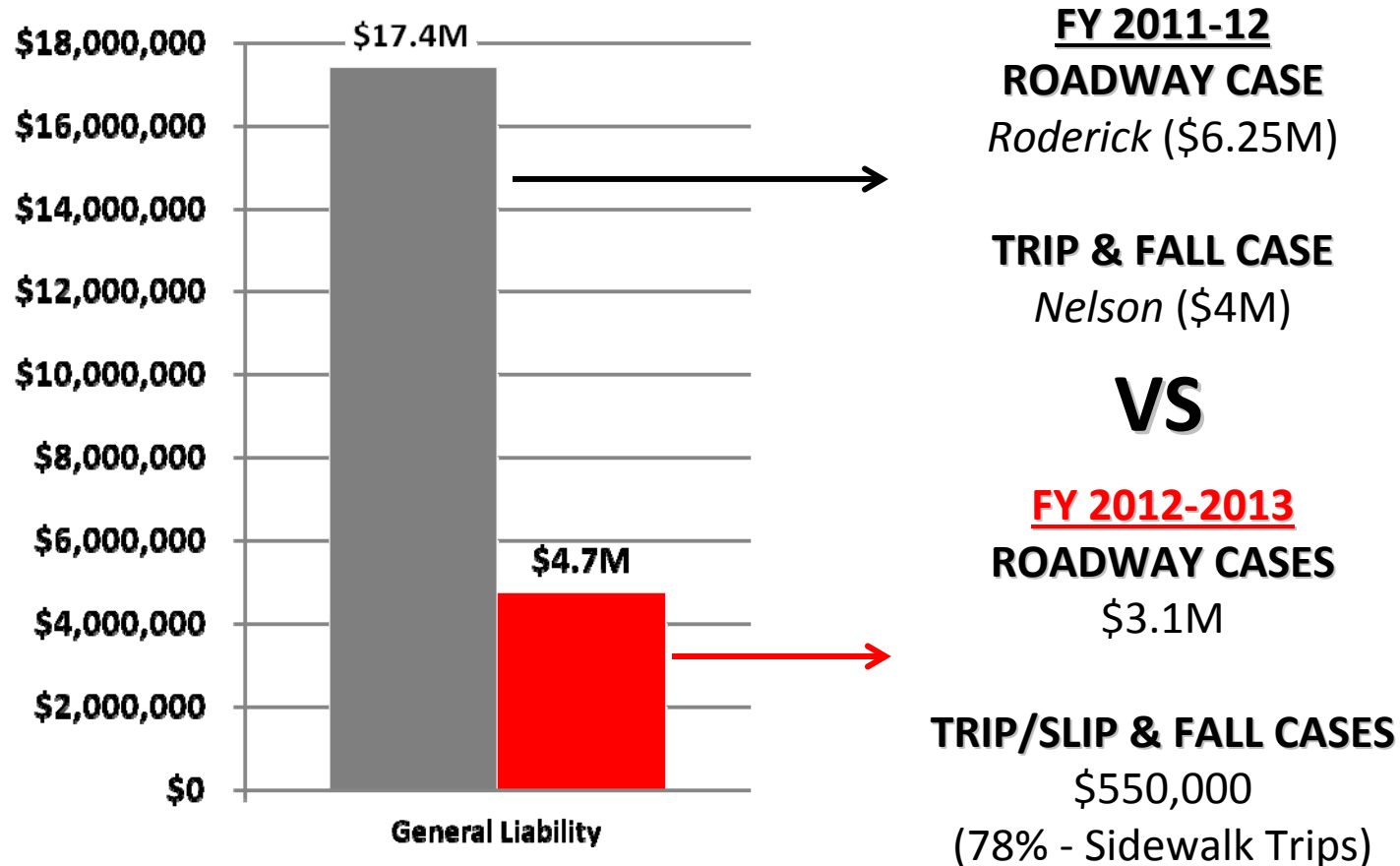




# ANNUAL LITIGATION REPORT

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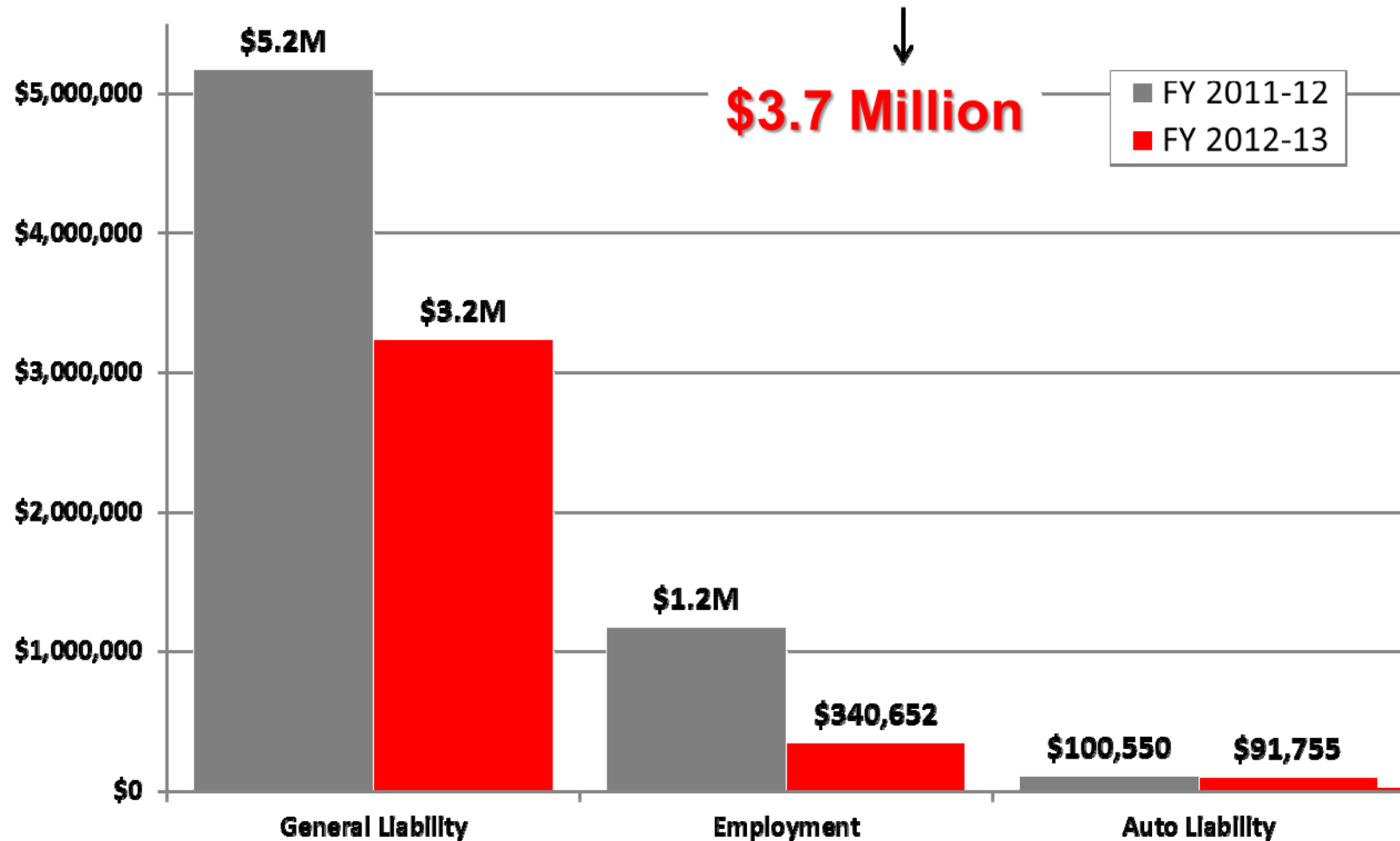
## PUBLIC WORKS DEPARTMENT'S AREAS OF CONCERN



# ANNUAL LITIGATION REPORT

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## CHILDREN & FAMILY SERVICES FY 2011-12 & FY 2012-13

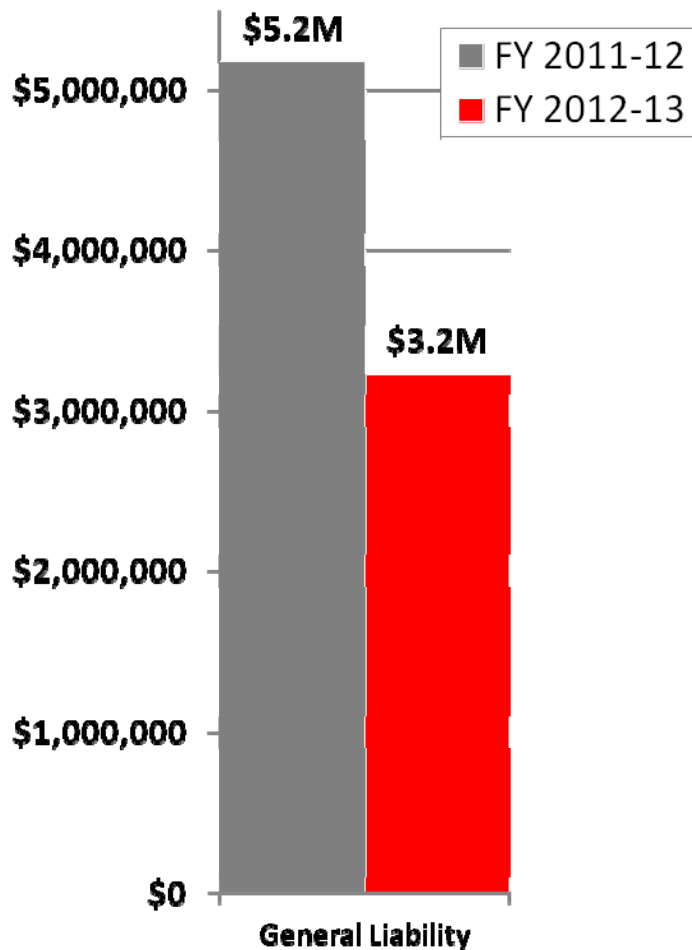


# ANNUAL LITIGATION REPORT



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## CHILDREN & FAMILY SERVICES' AREAS OF CONERN



### FOSTER CARE

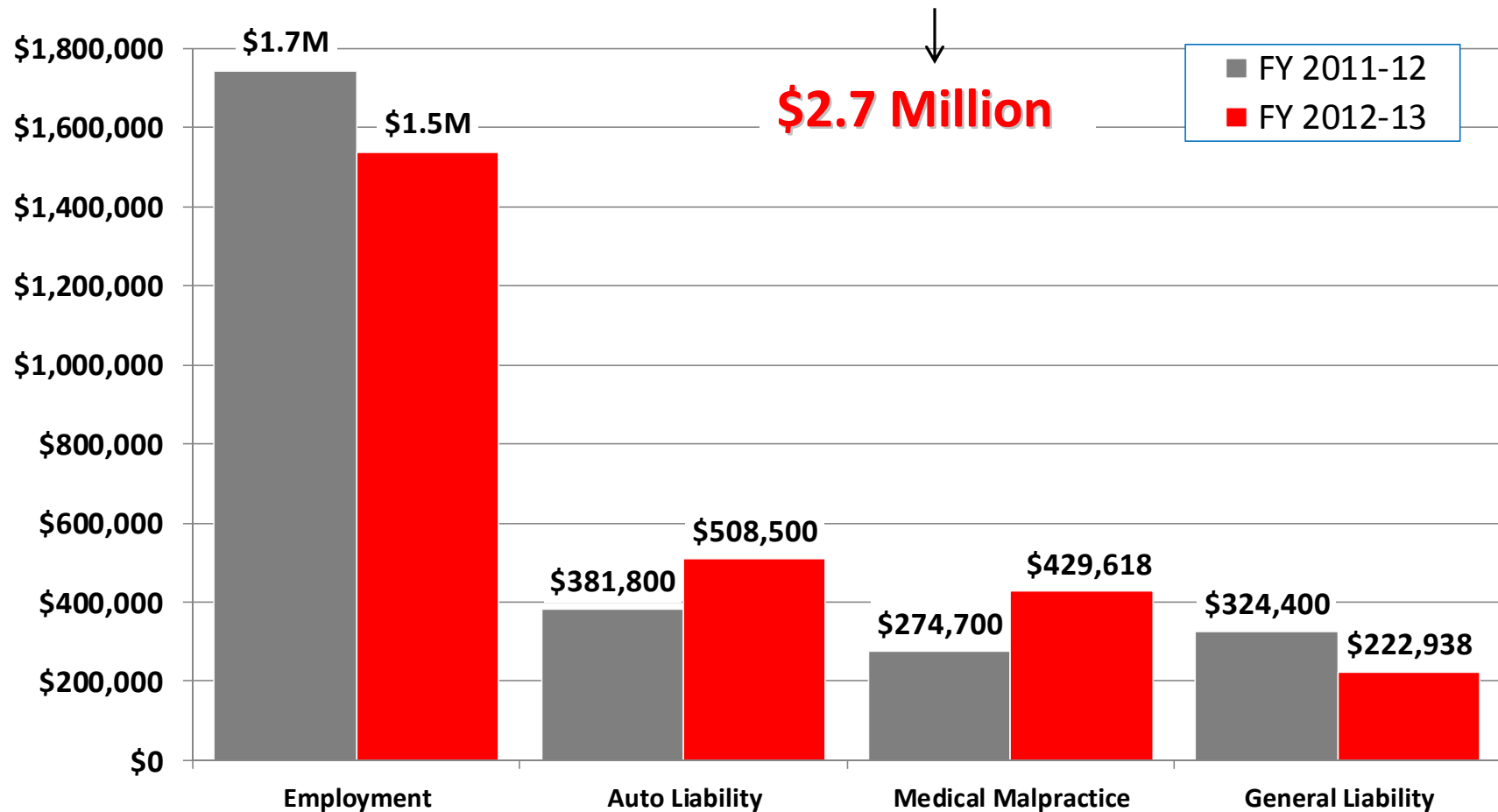
- Warrantless Removals
- Failure to Protect
- Failure to Warn

# ANNUAL LITIGATION REPORT



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## FIRE DEPARTMENT FY 2011-12 & FY 2012-13

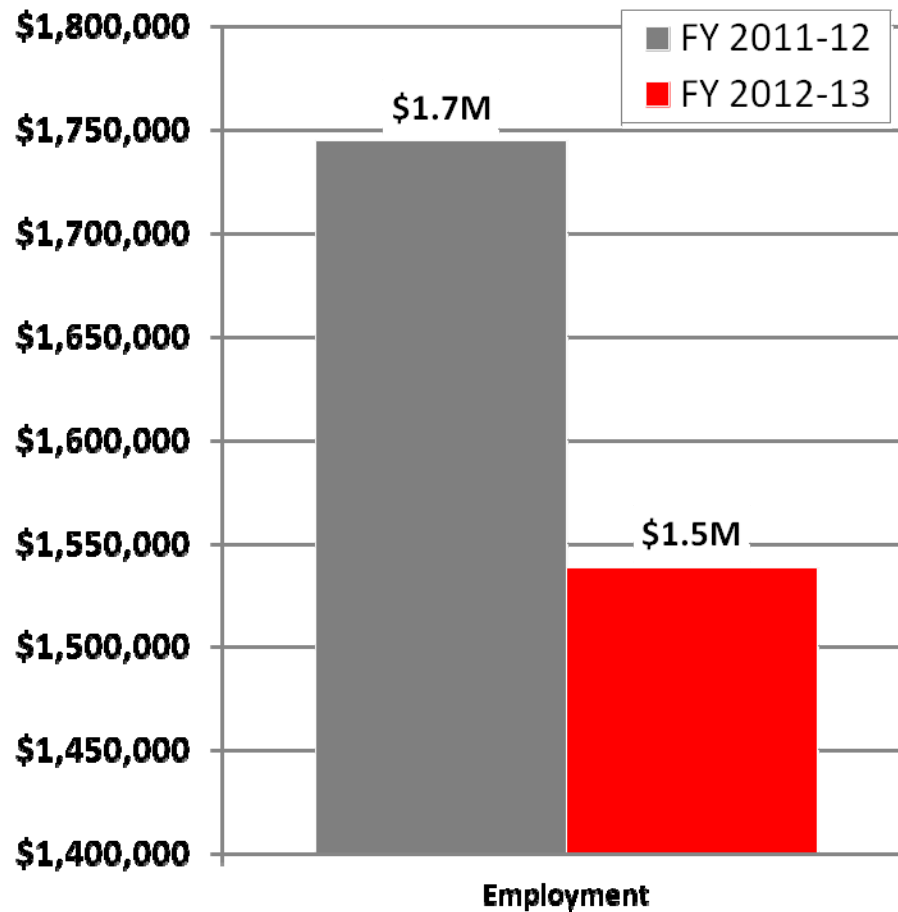


CORRECTED: January 24, 2014

# ANNUAL LITIGATION REPORT

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## FIRE DEPARTMENT'S AREAS OF CONCERN



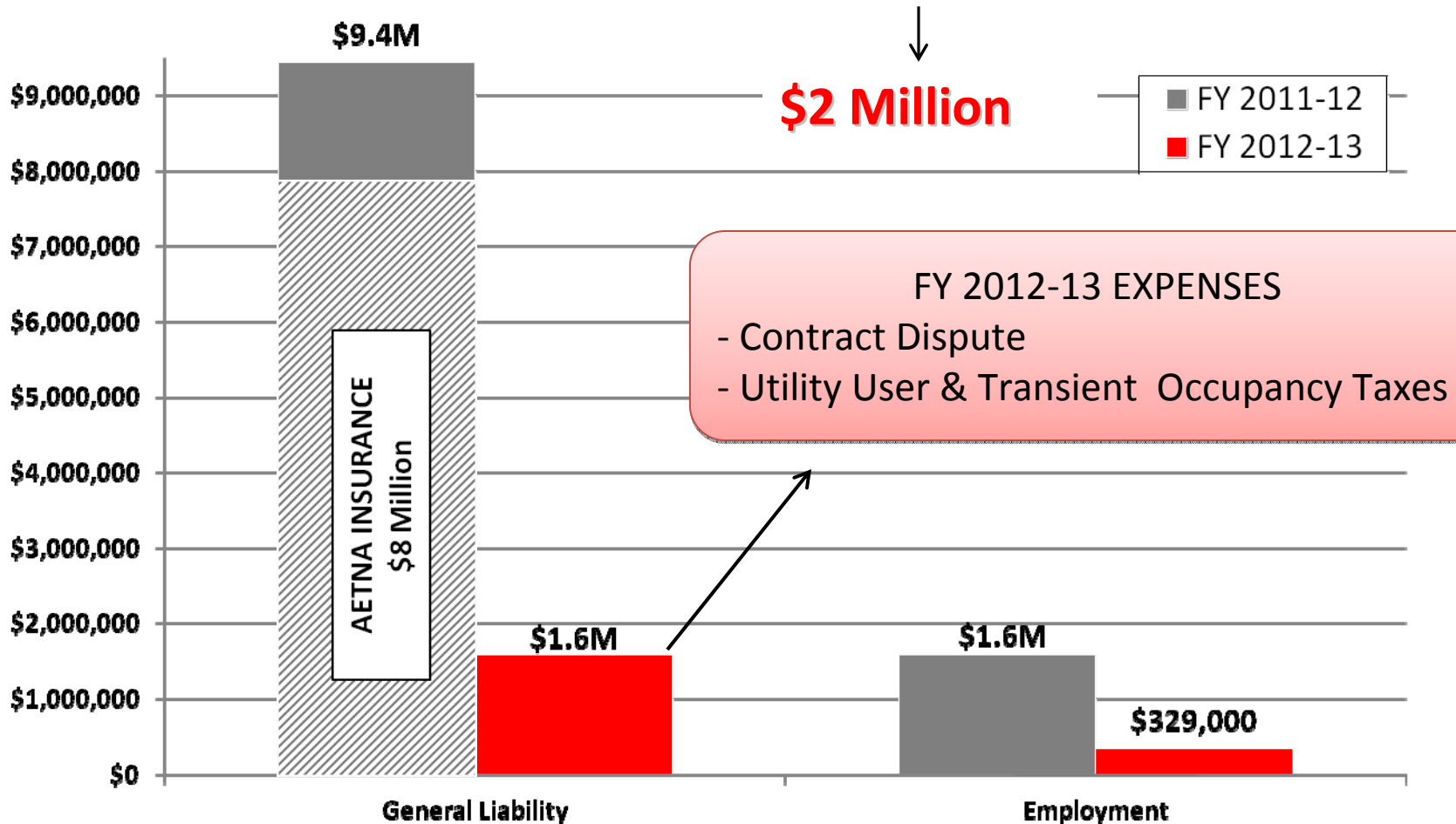
### EMPLOYMENT

- Retaliation
- Race Discrimination

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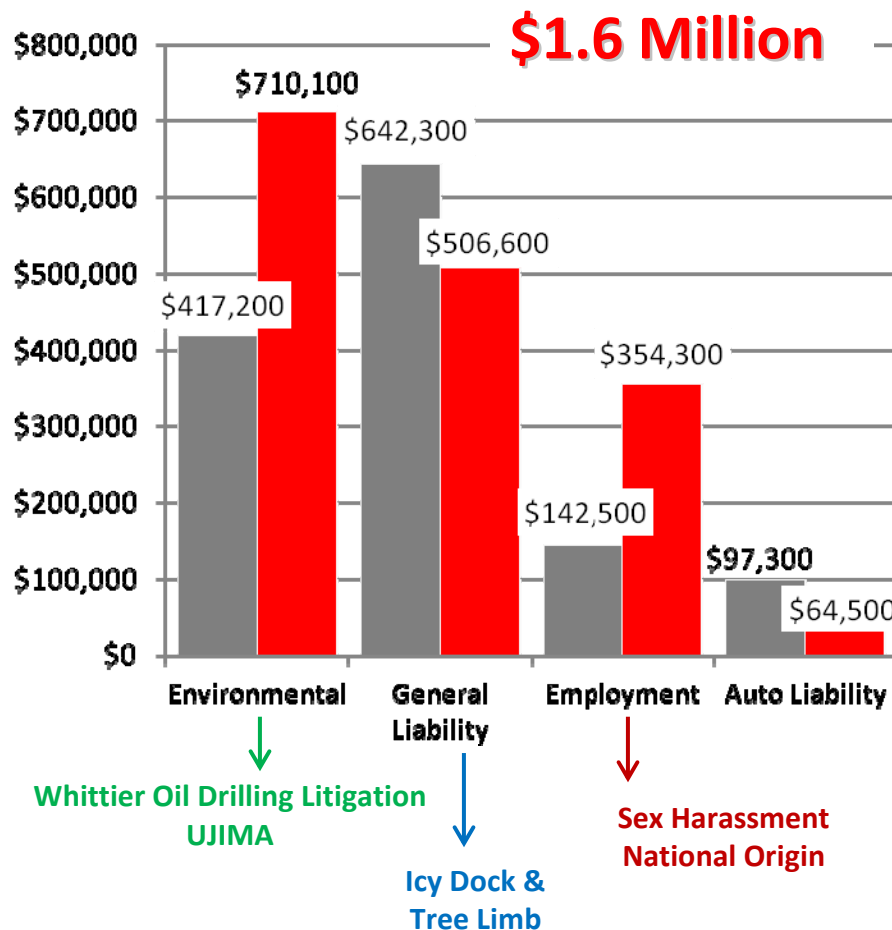
## CHIEF EXECUTIVE OFFICE FY 2011-12 & FY 2012-13



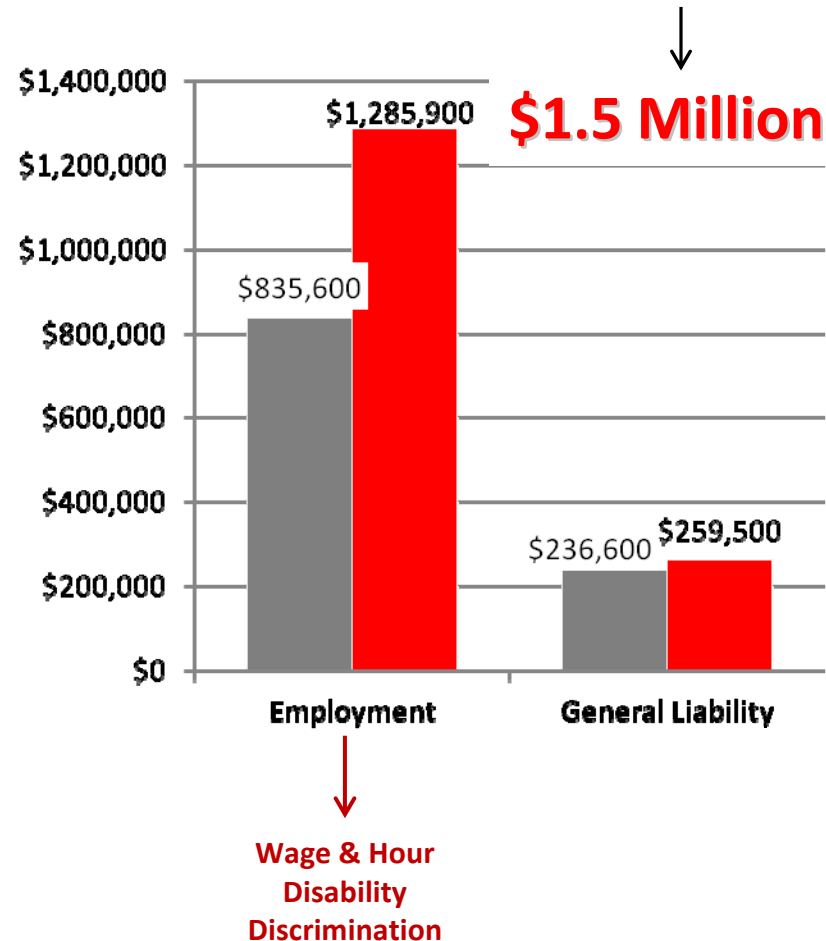
# ANNUAL LITIGATION REPORT

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## PARKS & RECREATION DEPARTMENT FY 2011-12 & FY 2012-13



## COMMUNITY & SENIOR SERVICES DEPARTMENT FY 2011-12 & FY 2012-13

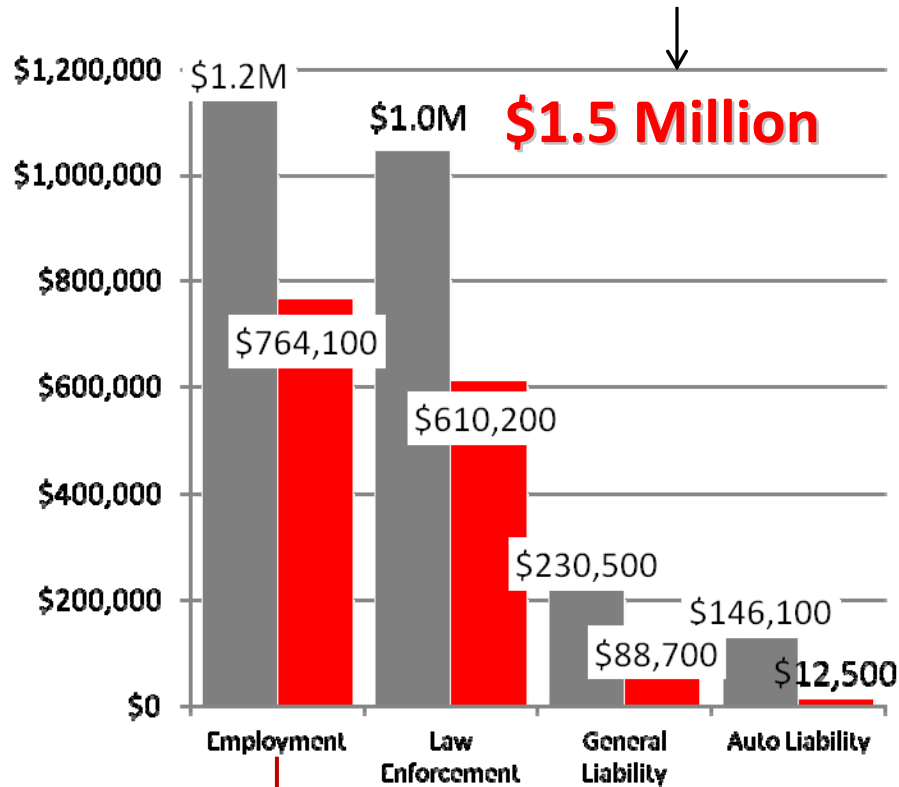




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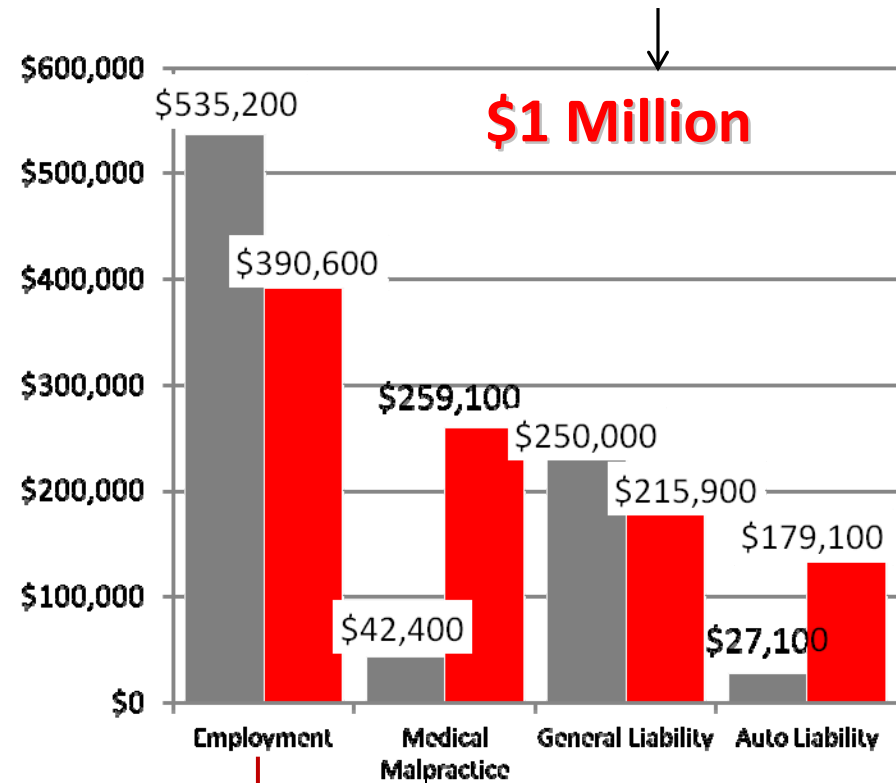
FISCAL YEAR 2012-2013

## PROBATION DEPARTMENT FY 2011-12 & FY 2012-13



Race Discrimination  
Sex Harassment

## MENTAL HEALTH DEPARTMENT FY 2011-12 & FY 2012-13

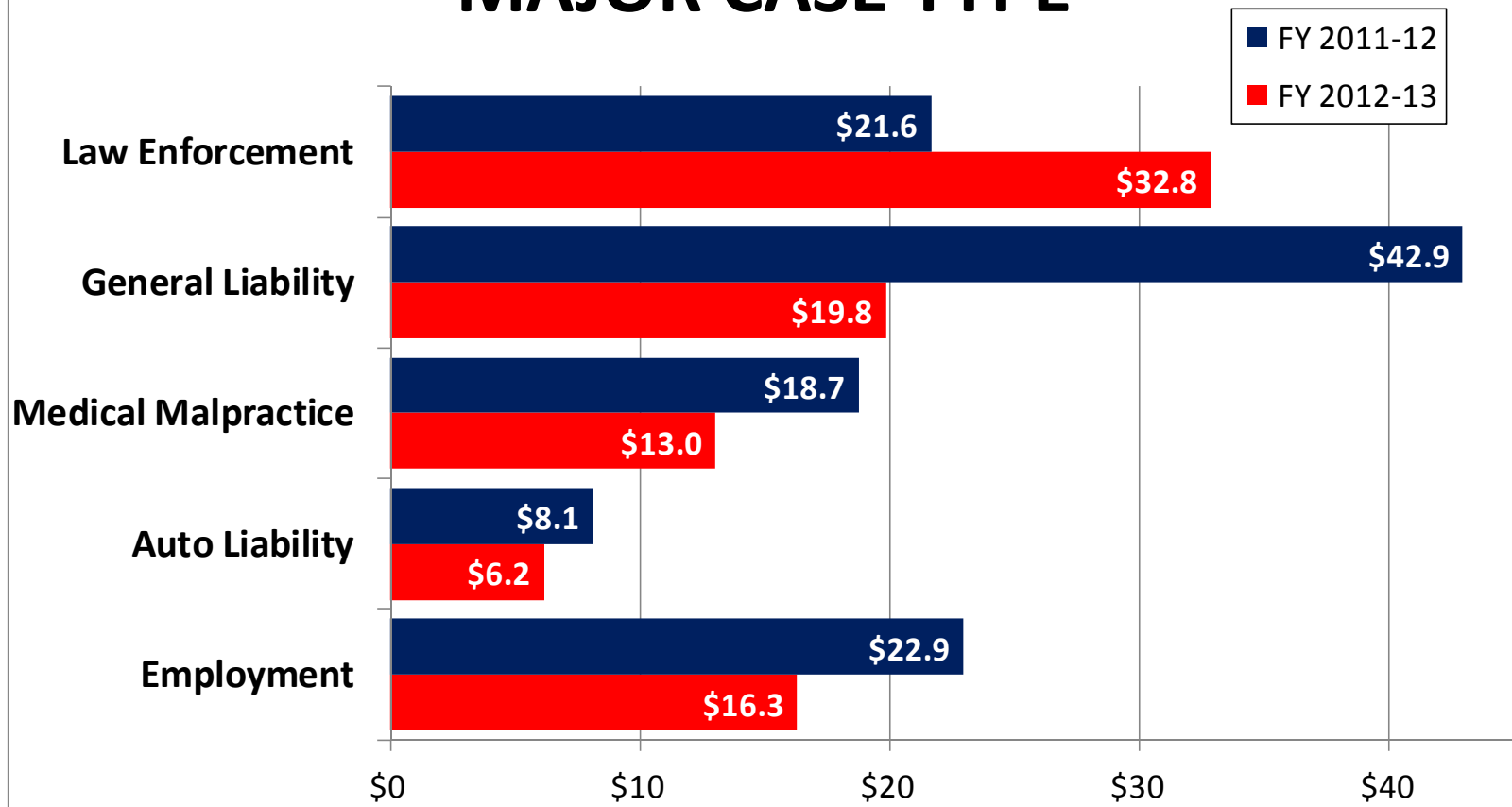


Disability  
Discrimination

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## LITIGATION EXPENSES BY MAJOR CASE TYPE



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## LAW ENFORCEMENT LITIGATION EXPENSES



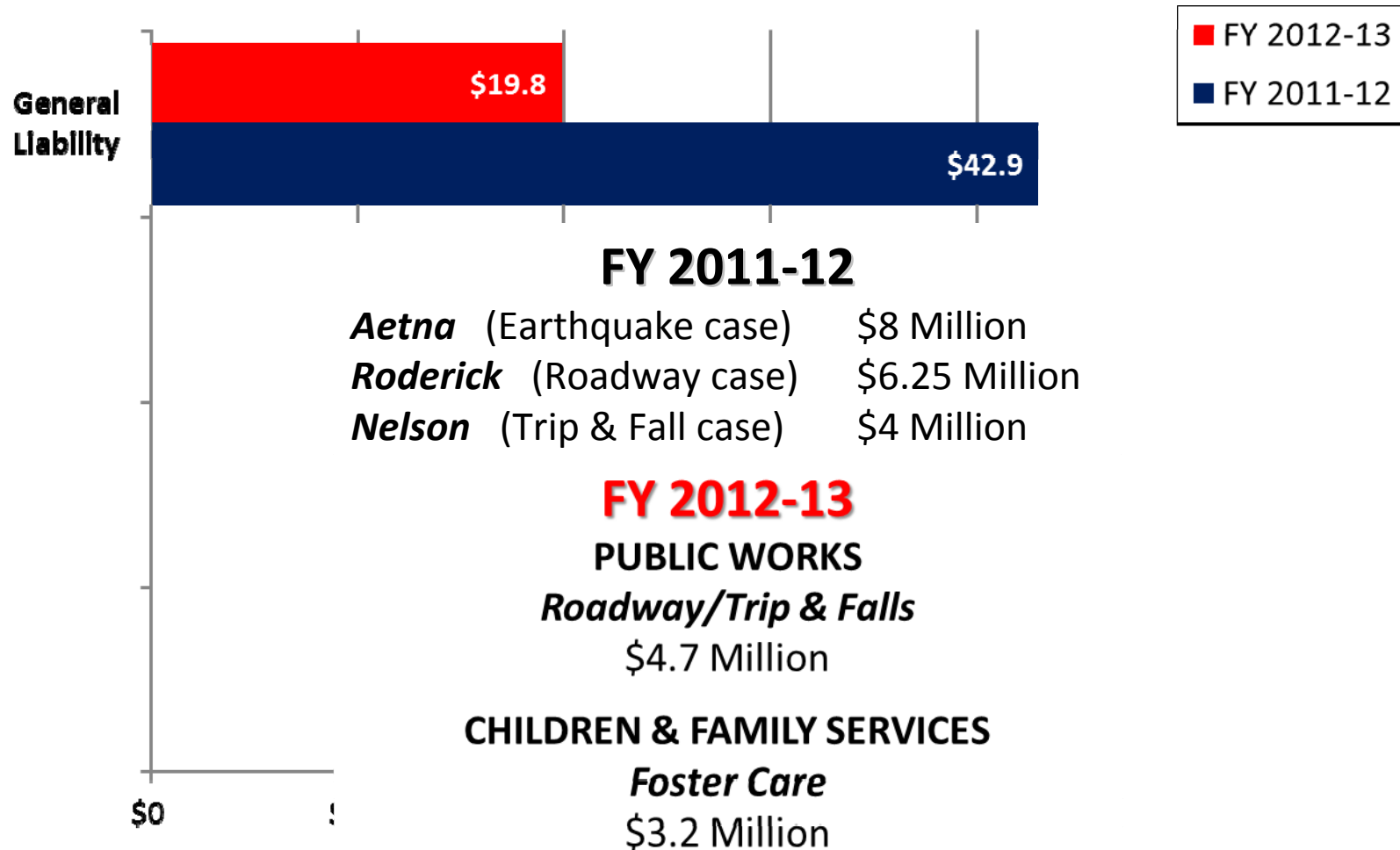
Sheriff Department - Up \$10.4 million over FY 2011-12

- Excessive Force Actions – Up \$7 million
- False Arrest Actions – Up \$1.8 million
- Search & Seizure Actions – Up \$1.8 million

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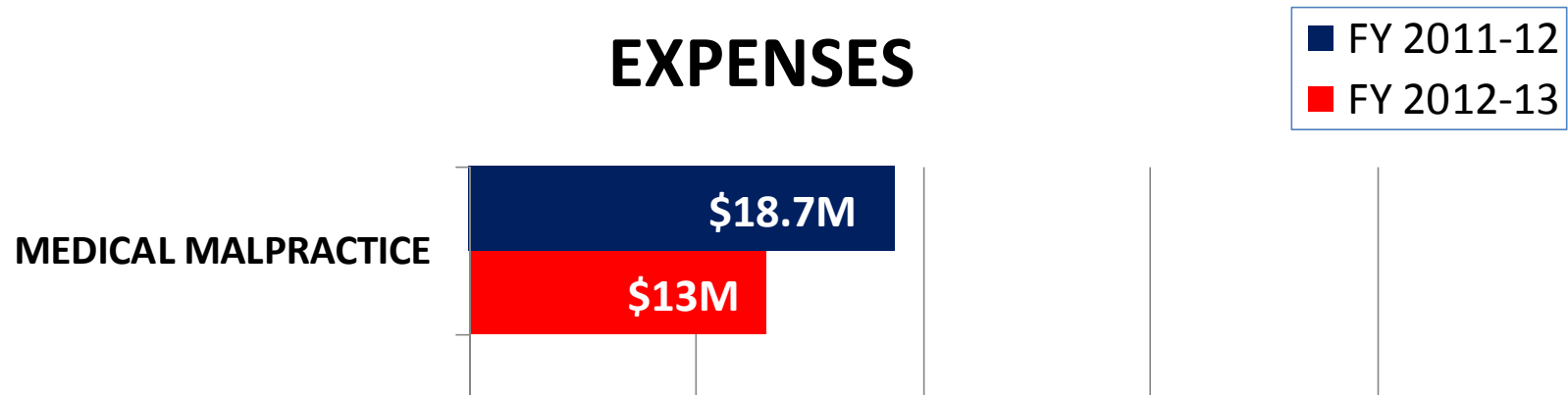
## GENERAL LIABILITY LITIGATION EXPENSES



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## MEDICAL MALPRACTICE LITIGATION EXPENSES



### 2 APPROVED, BUT UNPAID SETTLEMENTS

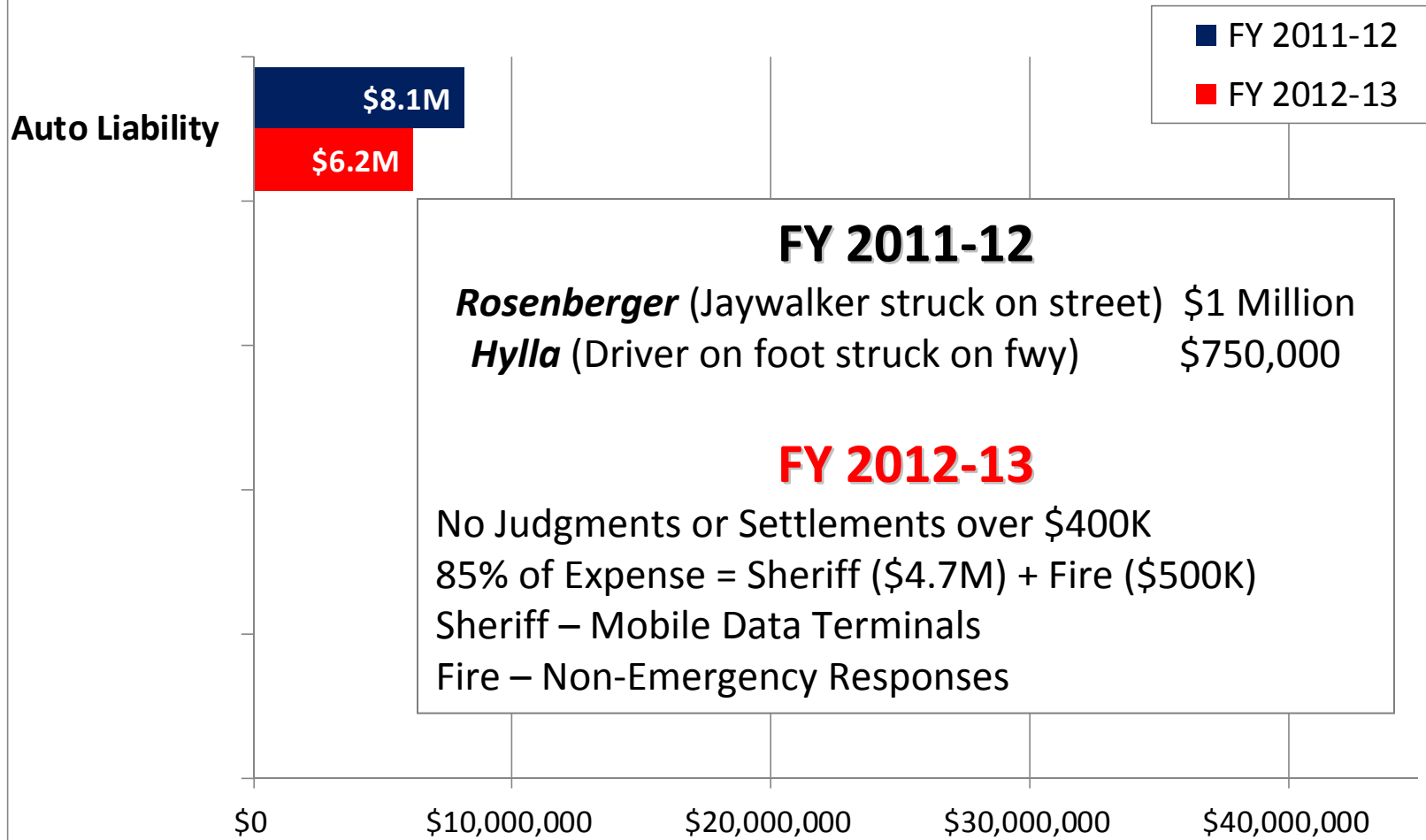
- **Gutierrez** (Paramedics case) \$3.8 Million
- **Works** (Labor & Delivery case) \$2 Million



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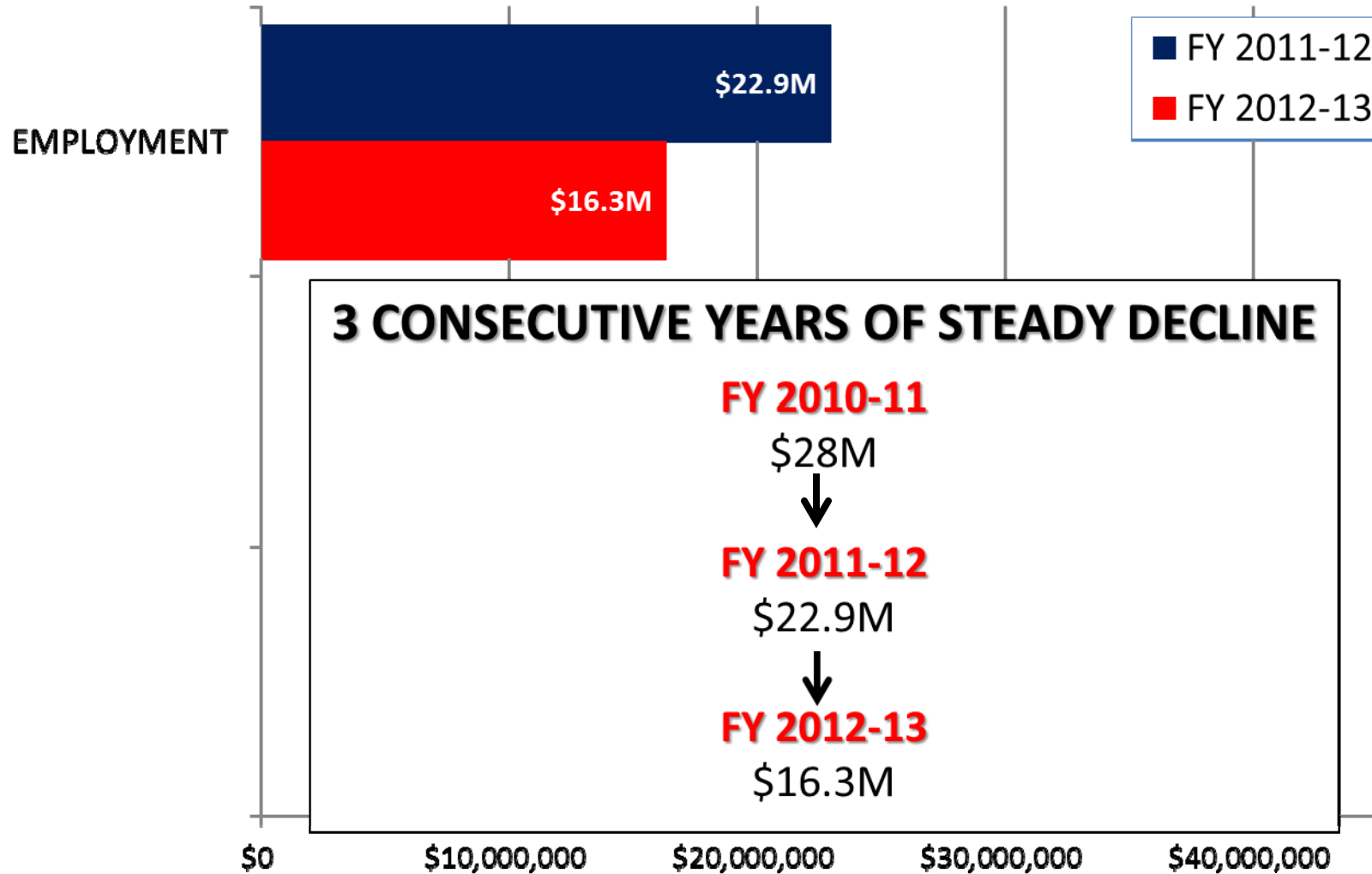
## AUTO LIABILITY LITIGATION EXPENSES



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## EMPLOYMENT LITIGATION EXPENSES



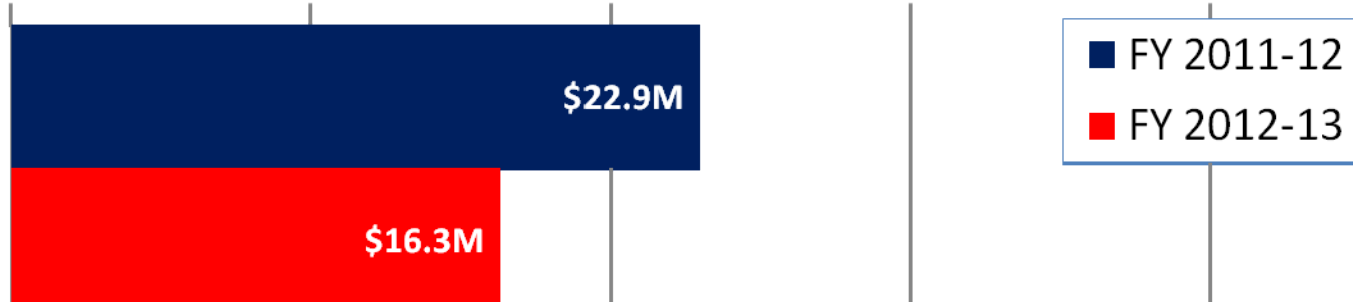


# ANNUAL LITIGATION REPORT

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## EMPLOYMENT LITIGATION EXPENSES

EMPLOYMENT



### HOW WAS THE DECLINE ACHIEVED?

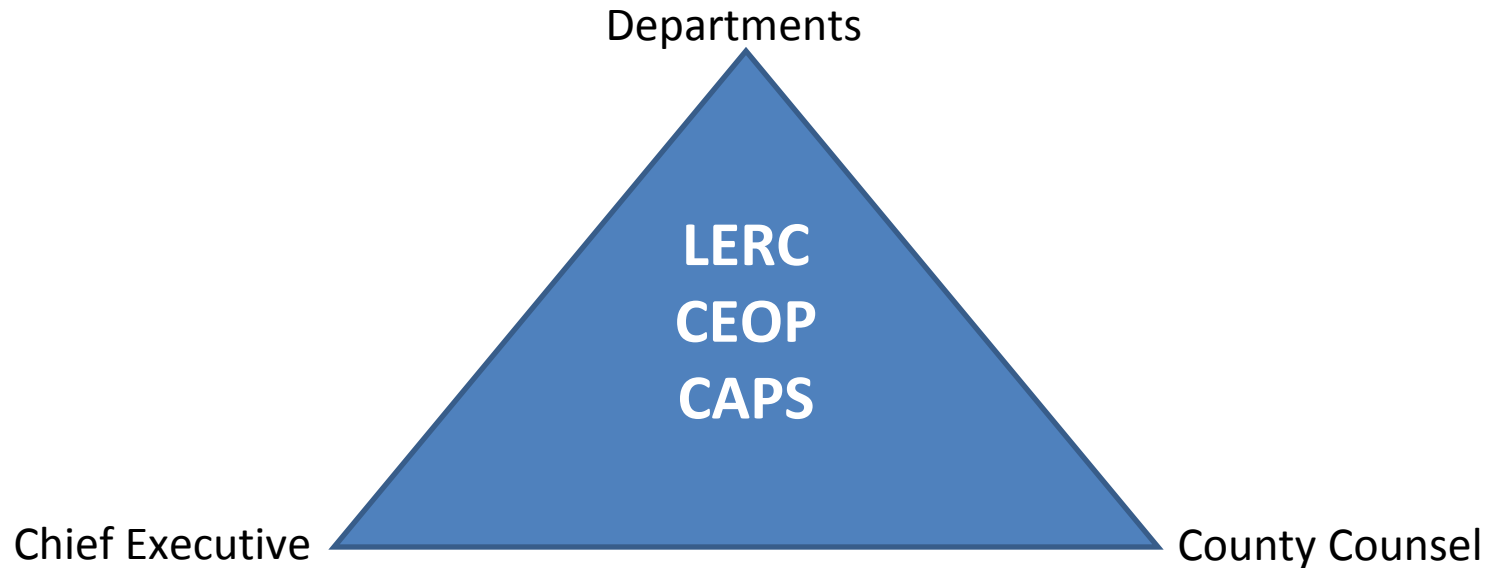
- *Bouman* \$3.5M in FY 2011-12
- **LERC Priorities**
  - Employment Subcommittee
  - Strike Teams
  - Training
- **County Equity Oversight Panel (CEOP)**
- **County Counsel "Hands on" Approach with Departments**
  - Assessability
  - Early Intervention
  - Embedded Attorneys
- **CEO Corrective Action Plans**

# ANNUAL LITIGATION REPORT



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## EMPLOYMENT LITIGATION COST REDUCTION



**AWARENESS AND APPROPRIATE ACTION = RESULTS**

**\$11.7 Million Reduction**

# ANNUAL LITIGATION REPORT



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## **“STAY THE COURSE”**

- Raise Awareness of Risks
- Seek Opportunities for Early Intervention
- Extend Legal Services and Advice
- Reassess Effectiveness of Corrective Action Plans (CAPs)
- Encourage Departmental Risk Management Exchanges
- Recognize Challenges of the Superior Court Consolidation
- Maintain Urgency, but Stay Focused on the “LONG VIEW.”